



1993

Illinois Register

Rules of Governmental Agencies

Volume 17, Issue 3 — January 15, 1993

Pages 527-682

Administrative Code Div.
288 Howlett Bldg.
Springfield, IL 62756
(217) 782-9786

published by
George H. Ryan
Secretary of State



Printed on recycled paper

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

| Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: | Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: |
|---------------------------------------|-----------------------------|------------------------|---------------------|---------------------------------------|-----------------------------|------------------------|----------------------|
| Dec. 16, 1992 | Dec. 23, 1992 | 1 | (Mon.) Jan. 4, 1993 | June 22, 1993 | June 29, 1993 | 28 | July 9, 1993 |
| Dec. 23, 1992 | Dec. 30, 1992 | 2 | Jan. 8, 1993 | June 29, 1993 | July 6, 1993 | 29 | July 16, 1993 |
| Dec. 30, 1992 | Jan. 5, 1993 | 3 | Jan. 15, 1993 | July 6, 1993 | July 13, 1993 | 30 | July 23, 1993 |
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| Jan. 26, 1993 | Feb. 2, 1993 | 7 (Tues.) | Feb. 16, 1993 | Aug. 3, 1993 | Aug. 10, 1993 | 34 | Aug. 20, 1993 |
| Feb. 2, 1993 | Feb. 9, 1993 | 8 | Feb. 19, 1993 | Aug. 10, 1993 | Aug. 17, 1993 | 35 | Aug. 27, 1993 |
| Feb. 9, 1993 | Feb. 16, 1993 | 9 | Feb. 26, 1993 | Aug. 17, 1993 | Aug. 24, 1993 | 36 | Sept. 3, 1993 |
| Feb. 16, 1993 | Feb. 23, 1993 | 10 | Mar. 5, 1993 | Aug. 24, 1993 | Aug. 31, 1993 | 37 | Sept. 10, 1993 |
| Feb. 23, 1993 | Mar. 2, 1993 | 11 | Mar. 12, 1993 | Aug. 31, 1993 | Sept. 7, 1993 | 38 | Sept. 17, 1993 |
| Mar. 2, 1993 | Mar. 9, 1993 | 12 | Mar. 19, 1993 | Sept. 7, 1993 | Sept. 14, 1993 | 39 | Sept. 24, 1993 |
| Mar. 9, 1993 | Mar. 16, 1993 | 13 | Mar. 26, 1993 | Sept. 14, 1993 | Sept. 21, 1993 | 40 | Oct. 1, 1993 |
| Mar. 16, 1993 | Mar. 23, 1993 | 14 | Apr. 2, 1993 | Sept. 21, 1993 | Sept. 28, 1993 | 41 | Oct. 8, 1993 |
| Mar. 23, 1993 | Mar. 30, 1993 | 15 | Apr. 9, 1993 | Sept. 28, 1993 | Oct. 5, 1993 | 42 | Oct. 15, 1993 |
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| Apr. 13, 1993 | Apr. 20, 1993 | 18 | Apr. 30, 1993 | Oct. 19, 1993 | Oct. 26, 1993 | 45 | Nov. 5, 1993 |
| Apr. 20, 1993 | Apr. 27, 1993 | 19 | May 7, 1993 | Oct. 26, 1993 | Nov. 2, 1993 | 46 | Nov. 12, 1993 |
| Apr. 27, 1993 | May 4, 1993 | 20 | May 14, 1993 | Nov. 2, 1993 | Nov. 9, 1993 | 47 | Nov. 19, 1993 |
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| May 25, 1993 | June 1, 1993 | 24 | June 11, 1993 | Nov. 30, 1993 | Dec. 7, 1993 | 51 | Dec. 17, 1993 |
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| June 8, 1993 | June 15, 1993 | 26 | June 25, 1993 | Dec. 14, 1993 | Dec. 21, 1993 | 1 | Jan. 3, 1994 (Mon.) |
| June 15, 1993 | June 22, 1993 | 27 | July 2, 1993 | Dec. 21, 1993 | Dec. 28, 1993 | 2 | Jan. 7, 1994 |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Egg and Egg Products Act

2) Code Citation: 8 Ill. Adm. Code 65

3) Section Numbers: Proposed Action:

65.10 Amend
65.100 Amend
65.130 Amend
65.140 Amend
65.150 Amend
65.170 Amend
65.190 Amend
65.200 Amend
65.210 Amend
65.220 Amend
65.230 Amend

4) Statutory Authority:

The Illinois Egg and Egg Products Act (Ill. Rev. Stat. 1991, ch. 56½, par. 55-13).

5) A Complete Description of the Subjects and Issues Involved:
The inspection fee for eggs is being raised from 3¢ per case to 5¢ per case. Section 10 of the Act provides for the inspection fee charged to be up to 6¢ per case. We are also updating cites to the Illinois Revised Statute and the Code of Federal Regulations.

6) Will this proposed rule replace an emergency rule in effect?: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:
A public hearing will be held in the auditorium of the Illinois Department of Agriculture's Administration Building, Illinois State Fairgrounds, Springfield, Illinois, 62794-9281. This hearing will be held on February 8, 1993, at 10:30 a.m.. Interested persons may attend this hearing to make comments on the proposed rulemaking. Written comments,

NOTICE OF PROPOSED AMENDMENTS

to be entered into the record, must be received no later than February 5, 1993.

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Small businesses engaged in retail egg sales subject to the Act may be affected.

B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping and office skills.

C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER B: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
AND POULTRY INSPECTION ACT REGULATIONS)

PART 65
EGG AND EGG PRODUCTS ACT

| Section | |
|---------|--|
| 65.10 | Definitions |
| 65.20 | Packaging Material, Master Containers, |
| | Packing Material and Consumer-Size Containers |
| 65.30 | Retail Labeling |
| 65.40 | Restrictions |
| 65.50 | Labeling of Containers |
| 65.60 | Advertising |
| 65.70 | Brand or Firm Name |
| 65.80 | Food Preparation |
| 65.90 | Holding Temperature |
| 65.100 | Application for License or Renewal; Revocation or Suspension of License |
| 65.110 | Licenses |
| 65.120 | Surety Bond or Certificate of Deposit |
| 65.130 | Required Forms and Records |
| 65.140 | Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments |
| 65.150 | Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs |
| 65.160 | Minimum Sanitation Requirements for Retailers and Institutional Consumers |
| 65.170 | Retail Egg Inspection |
| 65.180 | Enforcement |
| 65.190 | Restricted Eggs (Definition, Labeling, Handling, Disposition) |
| 65.200 | Denaturants |
| 65.210 | Egg Inspection Fee |
| 65.220 | Illinois Grade Standards |
| 65.230 | Administrative Hearings |

AUTHORITY: Implementing and authorized by Section 13 of
"The Illinois Egg and Egg Products Act" (Ill. Rev. Stat.
#90#1991, ch. 56 1/2, par. 55-13).

SOURCE: Rules and Regulations for the Illinois Egg and Egg
Products Act, filed October 28, 1975, effective November 1,
1975; filed March 2, 1976, effective March 12, 1976; filed

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NOTICE OF PROPOSED AMENDMENTS

December 29, 1976, effective January 1, 1977; codified at 5
Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective
February 14, 1983; amended at 17 Ill. Reg. _____,
effective _____.

Section 65.10 Definitions

Words in the singular form shall be deemed to include the
plural, words in the masculine form shall be deemed to include
the feminine form, and vice versa, as the case may require.
As used in these rules the following terms shall have the
meanings specified:

"Act" means "The Illinois Egg and Egg Products Act"
(Ill. Rev. Stat. #90#1991, ch. 56 1/2, par. 55-1 et
seq.).

"Deceptive" - Any arrangement of the contents of any
consumer-size container or master container, or of any
lot, load or display in which the eggs in the outer
layer or in any portion exposed to view are in quality,
size, condition or in any other respect superior to
those in the interior or unexposed portion as to
materially misrepresent the contents or any part thereof
as to size, quality, condition or any other respects.

"Eggs sold at retail" - It shall be considered that
shell eggs are being sold at retail when they are offered
for sale or sold to a consumer. The provision of this
Act shall apply in all retail transactions except those
specifically exempted by the Act.

"First receiver" means the first receipt of the eggs
from a producer.

"Mislabel" - The placing or presence of any false,
deceptive or misleading mark, term, statement, design,
device, inscription or any other designation upon a
consumer-size container or master container of eggs
or upon the label, lining or wrapper thereof, or upon a
placard or sign used in connection therewith, or in
connection with any display having reference to eggs.

"Sufficient strength and durability" means that the
master container must be rigid and capable of supporting
4 or 5 full master containers when stacked as commonly
occurs when such master containers are shipped.

(Source: Amended at 17 Ill. Reg. _____, effective
_____)

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Section 65.100 Application for License or Renewal; Revocation or Suspension of License

a) Except for those businesses exempted in Section 8 of the Act, an application for a license to operate as a handler, egg breaking establishment or any other business which buys, sells, trades or traffics in eggs, such as, egg packing, handling and processing plants, shall be made on forms supplied by the Department. Persons who ship shell eggs into Illinois from any other state via their own trucks, leased trucks, or common carrier must have Illinois Egg Licenses. All shipments of such eggs shall meet Federal standards (21 U.S.C.A. 1031 et seq. (6/29/72) and 7 CFR 2856; 6/27/775/1/91 and 7 CFR 592059; 6/27/775/1/90) and be in compliance with the rules (8 Ill. Adm. Code 65) herein promulgated. Egg breaking establishments located in this State or located outside the State but who sell or purchase shell eggs in Illinois must obtain an Illinois Shell Egg License and thereby become subject to all provisions of the Act and to the rules governing the sale and purchase of shell eggs in Illinois (8 Ill. Adm. Code 65).

b) New applicants for licenses shall state the type of license desired (see 8 Ill. Adm. Code 65.110) when requesting an application form. Applications for renewal of licenses shall be mailed by the Department to the licensee at the address on the application. "THE APPLICATION FOR RENEWAL OF A LICENSE SHALL BE FILED WITH THE DEPARTMENT ANNUALLY WITHIN 60 DAYS AFTER THE CLOSE OF THE EGG HANDLER'S LAST COMPLETED FISCAL YEAR OR WITHIN SUCH FURTHER TIME, NOT EXCEEDING 60 DAYS, AS THE DEPARTMENT UPON APPLICATION MAY GRANT" (quoted from the Illinois Egg and Egg Products Act, Ill. Rev. Stat. #98-1991, ch. 56 1/2, par. 55-9). The Department shall extend past the 60-day renewal period a grace period, not exceeding another 60 days, provided the applicant has submitted the executed renewal application to the Department within the renewal period accompanied by a statement indicating that a current financial statement and/or surety bond has been contracted for and estimated date it will be available for the Department's review. Exception: the Department shall not grant a grace period or shall cancel a grace period that was granted if the handler has defaulted to producers for eggs which he has purchased from them. The application for an egg license shall include the name to appear on the license, and the address where the applicant engages in the business of buying eggs, information as to the type of license being

applied for, name under which the license was previously issued and license number if it is a request for renewal of license, information on whether the licensee purchased nest run eggs and from whom, and information on officers or partners, if applicable.

c) The application for license to operate an egg breaking establishment shall request the name to appear on the license, the address of the business and information on whether the business has or will purchase nest run eggs from producers. Applicant's business must meet standards as set forth in 8 Ill. Adm. Code 65.140 and submit a financial statement and surety bond or certificate of deposit if the egg breaking establishment qualifies as a handler (see 8 Ill. Adm. Code 65.100(d)).

d) A handler as defined in Paragraph 55-3.16 of the Act who buys nest run eggs from a producer, except a retailer or producer-dealer who purchases less than 150 cases (master containers containing 30 dozen eggs in each container) per year from producers and provided they pay cash, barter or kind for such eggs, shall file with the application a surety bond or post a certificate of deposit in accordance with the provisions of Section 11.1 of the Act, as well as a current financial statement as required by Section 11.2 of the Act. Handlers who purchase nest run eggs from a bonded producer-dealer do not need to be bonded or submit a financial statement, unless the nest run eggs are from the bonded producer-dealer's own production. The surety bond or certificate of deposit will cover that portion of the nest run eggs that is from the bonded producer-dealer's own production. 8 Ill. Adm. Code 65.120 states additional requirements regarding surety bonds or Certificates of Deposit.

e) Inaccurate or missing information on the application will be grounds for revoking or refusing to issue a license. Before refusing to issue or renew or before suspending or revoking a license or refusing to issue or revoking a grace period for renewal, the Department shall comply with the provisions of Section 11.5 of the Act. The administrative hearing shall be conducted in accordance with 8 Ill. Adm. Code 65.230.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 65.130 Required Forms and Records

a) Grade Buying Slip.

- 1) When eggs are purchased from the producer on a graded basis, a grade buying slip shall be issued by the purchaser to the producer showing that eggs are of one or more of the following grade and size designations stating the quantity of each. Every grade buying slip shall carry a minimum of these six designations:

A Large B Grade
A Medium Restricted
A Small Loss

- 2) The grade buying slip must identify the producer, the purchaser and show the date of purchase and the date of grading. Eggs purchased from producers on a graded basis shall be candled and graded by the first receiver before the close of the fifth business day after receipt of the eggs at the grading facility unless otherwise agreed to by both parties and, unless they are sold as "Nest Run Eggs" in which event they must be assigned a nest run grade and a weight class as defined in 2 CFR 56.230, 56.231, and 56.232 (5/1/91) Sections 2856-230---(6/27/77)---2856-231---(6/27/77)---and 2856-232---(6/27/77) in the Federal standards for shell eggs--(7-CFR-2856+-6/27/77).

- 3) If quality factors preclude the assignment of a nest run grade, it must be so stated on the invoice accompanying the sale of the eggs to the second receiver.

- 4) Other grade and size classifications may be used in addition to the above compulsory ones. When other grades are added to the above list, they must conform with the Federal egg grading standards adopted in 8 Ill. Adm. Code 65.220. The term "restricted" shall be used to designate all edible eggs below B quality (see 8 Ill. Adm. Code 65.190(a)). A quantitative breakdown of the various types (i.e., checks, dirties, etc.) of restricted eggs shall be shown.

b) Invoice.

- 1) When eggs are sold by a licensed handler to another

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handler or retailer for ultimate resale to consumers, or to an institutional consumer or manufacturer for use in preparation of food for human consumption, an invoice or other accounting document must accompany the eggs.

- 2) The invoice or other accounting document must show the name and address of the seller, the name and address of the purchaser, and the exact grade and size of the eggs sold according to State grade standards (see 8 Ill. Adm. Code 65.220).

- 3) Both seller and buyer must keep a copy of this invoice or other accounting document on file at their respective places of business for a period of 30 days.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.140 Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments

Illinois standards for sanitation, building and labeling requirements for egg breaking establishments shall be those as required by the Federal Egg Products Inspection Act (21 U.S.C.A. 1035; 6/29/72 and 1036; 6/29/72) and its rules (7 CFR 2859; 6/27/77 5/1/90).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.150 Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs

- a) Buildings shall be of sound construction so as to prevent the entrance or harboring of vermin.
- b) All areas and rooms in which eggs are handled, graded, and packed shall be kept reasonably clean during working hours and shall be thoroughly cleaned at the end of each operating day.
- c) Cooler rooms shall be free from objectionable odors, such as, mustiness or a rotten odor, and shall be maintained in a clean sanitary condition.
- d) Oil processing of shell eggs to preserve quality shall be conducted in a manner as will avoid contamination of the

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eggs. The temperature of the processing oil must be warmer than the temperature of the eggs to which it is applied.

- 1) Oil having any off odor or oil that is obviously contaminated shall not be used. Processing oil that has been previously used and which has become contaminated shall be filtered and heated to 180° F. for three minutes prior to reuse.
- 2) Oil treating equipment shall be washed, rinsed and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and heat treat processing oil, and clean processing equipment daily when in use. Equipment shall be covered when not in use to keep it clean.
- 3) Eggs with apparent moisture on the shell shall not be oil treated.

e) Egg cleaning equipment shall be kept in good repair and shall be thoroughly cleaned after each day's use or more often if necessary to maintain a sanitary condition. The wash water shall be potable and maintained at a temperature of 90° F. minimum. The wash water temperature must be at least 20° greater than the egg temperature. The wash water shall be replaced frequently and the detergent and sanitizer shall be kept at an effective level at all times.

- 1) During any rest period, or at any time when the equipment is not in operation, the eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a build-up of heat.

2) Only USDA or Federal approved cleaning and sanitizing compounds may be used (7 CFR 2059.515; 6/27/77 5/1/90). Washed eggs shall be reasonably dry before cartonning or casing.

f) Washing eggs by hand or by any other method whereby the water temperature, cleaning and sanitizing agents, and bacterial contamination cannot be controlled is prohibited.

g) Motor driven rotary cleaning pads, hand sanding, or other "dry cleaning" devices may be used to clean eggs, but they are not recommended. Dry cleaning pulverizes the dirt thereby spreading it over all adjoining surfaces,

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including eggs. In the absence of an adequate air filtering system, the process shall be considered as air pollution and a health hazard for persons handling the eggs.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.170 Retail Egg Inspection

a) When an inspector selects inspection samples to ascertain compliance with the Egg and Egg Products Act and the rules as they apply to grade and size of shell eggs, such samples shall be taken from the same areas or lots immediately available and offered for sale to retail customers.

b) If a disproportionate number of checks and leakers are found indicating the lack of reasonable store surveillance of the egg display, the inspector will issue a violation notice. In determining if a violation exists, the inspector will consider the damage possibly inflicted by the store's patrons, past inspection history indicating previous lack of surveillance of the egg display, and whether the number of checks and leakers exceed minimum federal egg grading standards (7 CFR 2056; 6/27/77 5/1/91).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.190 Restricted Eggs (Definition, Labeling, Handling, Disposition)

a) "Restricted eggs" means any shell eggs which are checks, dirties, incubator rejects, inedibles, leakers or loss. Except for the producer exemption as provided in paragraph (c), checks and dirties may be used for human food provided they are processed and pasteurized in an official plant.

b) "Capable as use as human food" means any egg or egg product, unless it is denatured, or otherwise identified as required by Federal regulation to deter its use as human food (7 CFR 2059; 6/27/77 5/1/90).

c) Within the classifications of eggs defined as restricted eggs, only checks and dirties are capable of use as human food, unless they are destroyed or identified and labeled for animal food. Checks and dirties shall be sold direct

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or indirect only to an official plant. However, a producer may sell on his own premises, where eggs are produced, checks and dirties directly to household consumers, for such consumer's personal use and his non-paying guests.

d) Producer-dealers, packers, handlers, distributors, or retailers shall not sell on or off the premises within the State any restricted eggs to any person, including consumers, institutional consumers or employees.

e) Restricted eggs will not be given free to any person including but not limited to institutional consumers, charitable organizations, or any employee whereby they may be used for human food.

f) Restricted eggs may be designated for animal food only when properly decharacterized or denatured to preclude their use in food for human consumption, and each container or receptacle shall be labeled "Restricted eggs, Not to be used as human food". However, restricted eggs which are not decharacterized or denatured may be moved from one U.S. Department of Agriculture licensed plant to another U.S.D.A. licensed plant.

g) Inedible and loss eggs must be denatured at point and time of segregation. If the liquid is removed from the shells, approved denaturant must be placed in the receptacle provided, before the liquid is added. If loss eggs are placed on filler-flats or in flats and fillers, or in any other manner, each layer of eggs must be denatured before another one is started. However, inedible and loss eggs under U.S. Department of Agriculture inspection and control shall be handled in accordance with U.S.D.A. recommendations.

h) Checks and dirties must be conspicuously labeled at point and time of segregation with a placard or other device. Full or partial master cases containing checks and dirties must be labeled before transfer to the cooler.

i) Producer-dealers with less than 3000 birds or any producers, regardless of size, who do no candling and grading, are not required to register under the Federal Egg Products Inspection Act. Producer-dealers with less than 3000 birds who candle and grade eggs must be licensed by the State and therefore be subject to these rules as they apply to restricted eggs.

(Source: Amended at 17 Ill. Reg. _____, effective

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Section 65.200 Denaturants

Illinois standards for use of denaturants shall be those as required by the Federal Egg Products Inspection Act (21 U.S.C.A. 1039 (6/29/72)) and its rules (7 CFR 2859.504(c); 6727775(1/90)).

(Source: Amended at 17 Ill. Reg. _____, effective

Section 65.210 Egg Inspection Fee

a) An inspection fee of \$45¢ per case (30 dozen equals a case) or fraction thereof shall be imposed on all eggs bearing a designated size and grade which are offered for sale or sold in the State of Illinois.

b) The first handler of any eggs offered for sale or sold in Illinois shall pay the prescribed inspection fee on such eggs. In the event that the eggs are shipped into Illinois, the last out of state handler or distributor shall pay the fee.

c) The handler paying the inspection fee shall charge on each sales invoice the amount of the inspection fee as the transaction in addition to the price of the eggs.

d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.

e) The inspection fee shall be paid only once on the same quantity of eggs so long as said eggs maintain their identity by remaining in their original case, carton or container.

f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. Such reports shall be accompanied by a remittance in an amount corresponding to said number of master containers at the rate prescribed per master container.

1) In the events below, the Director shall summon the

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delinquent person or firm to an administrative hearing in Springfield whereby his license may be suspended or revoked:

- A) the quarterly report is established as being false or incorrect, or
- B) the report is not received within 30 days of the due date.

- 2) The quarters are as follows: January 1st to March 31st; April 1st to June 30th; July 1st to September 30th; October 1st to December 31st.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.220 Illinois Grade Standards

The standards for shell eggs for the State of Illinois shall be those standards as set by the United States Department of Agriculture for shell eggs (see 7 CFR 2856; 6/27/75/1/91).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 65.230 Administrative Hearings

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. ~~1901~~1991, ch. 127, pars. 1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, contested cases, declaratory rulings and availability of Department's files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules. The final administrative decision of the Department (see 8 Ill. Adm. Code 1.75(k) and 1.340) shall be subject to Section 19 of the Act.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings

- 2) Code Citation: 89 Ill. Adm. Code 104

- 3) Section Number: 104.216
Proposed Action: Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) and Public Act 87-861, effective July 8, 1992

- 5) Complete Description of the Subjects and Issues Involved:

Proposed amendments are being filed to eliminate the requirement for pre-hearing conferences in cases involving Department actions to initiate collections of provider assessment taxes under the Medicaid Revenue Act (Public Act 87-861). Under this Act, the collecting of provider assessment taxes has begun and hearings will be necessary to capture unpaid provider assessment taxes.

Current language in Section 104.216 of agency hearing rules requires the Department to schedule a pre-hearing conference upon receipt of a request for a hearing regarding the Department's intent to recover money.

Pre-hearing conferences are inconsistent with the hearing provisions included in the Medicaid Revenue Act, which direct the Department to "...collect the assessments, interest, and penalty assessments imposed under this Article, using procedures employed in its administration...in a manner similar to that...pursuant to the Retailers' Occupation Tax Act ("ROTA"). Elimination of the requirement for pre-hearing conferences will allow the Department to expeditiously conduct hearings regarding provider assessment taxes, and comply with the provisions of Public Act 87-861.

These proposed amendments will not require additional expenditures by the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 104.202 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.204 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 104.209 | New Section | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.210 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.212 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.221 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.230 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.244 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.246 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Kenneth E. Mitchell, Chief, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 4, 1993

B) Types of small businesses affected: Hospitals, nursing homes, developmental disabilities services providers

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 661.

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED RULES

| | | |
|----|-------------------------|--------------------------|
| 1) | <u>Heading of Part:</u> | State Toll Highway Rules |
| 2) | <u>Code Citation:</u> | 92 Ill. Adm. Code 2520 |
| 3) | <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| | 2520.105 | New Section |
| | 2520.110 | New Section |
| | 2520.200 | New Section |
| | 2520.201 | New Section |
| | 2520.202 | New Section |
| | 2520.203 | New Section |
| | 2520.204 | New Section |
| | 2520.205 | New Section |
| | 2520.206 | New Section |
| | 2520.207 | New Section |
| | 2520.208 | New Section |
| | 2520.209 | New Section |
| | 2520.210 | New Section |
| | 2520.211 | New Section |
| | 2520.212 | New Section |
| | 2520.213 | New Section |
| | 2520.214 | New Section |
| | 2520.215 | New Section |
| | 2520.216 | New Section |
| | 2520.217 | New Section |
| | 2520.218 | New Section |
| | 2520.219 | New Section |
| | 2520.220 | New Section |
| | 2520.221 | New Section |
| | 2520.222 | New Section |
| | 2520.223 | New Section |
| | 2520.224 | New Section |
| | 2520.225 | New Section |
| | 2520.226 | New Section |
| | 2520.300 | New Section |
| | 2520.301 | New Section |
| | 2520.302 | New Section |

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2520.502
2520.503
2520.504
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New Section
New Section
New Section
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New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, par. 100-1 et seq., (605 ILCS 10/1 et seq.)

5) A complete description of the subjects and issues involved: This Part contains proposed rules of the Illinois State Toll Highway Authority applicable to traffic and persons using the toll highway system.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed rules contain incorporations by reference? Yes

9) Are there any other amendments pending on this part? No

10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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NOTICE OF PROPOSED RULES

Persons who wish to comment on these proposed rules may submit written comments within thirty (30) days of the publication of this notice in the Illinois Register to:

Mr. Frank M. Howard
Chief Counsel
Special Assistant Attorney General
Illinois State Toll Highway Authority
One Authority Drive
Downers Grove, Illinois 60515

All written comments received within thirty (30) days of the issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis: (Not Applicable)

The full text of the Proposed Rules begins on the next page:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITYPART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.105
2520.110

Authority
Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200
2520.201
2520.202

Illinois Vehicle Code
Use of Tollway Prohibited
Vehicles and Equipment Which May Be Excepted from Provisions of Section 2520.201

2520.203 Transportation of Hazardous Materials
2520.204 Special Usage Toll
2520.205 Loading or Unloading of Vehicles
2520.206 Full Stop at All Toll Plazas
2520.207 Entering and Leaving the Tollway
2520.208 "U" Turns, etc.

2520.209 Backing Up of Vehicles
2520.210 Parking, Standing or Stopping
2520.211 Relocating of Vehicles
2520.212 Pushing or Towing of Vehicles
2520.213 Stopping or Halting Vehicles by the Authority
2520.214 Destruction of Authority Property
2520.215 Picnics

2520.216 Aircraft
2520.217 Sale of Goods and Services
2520.218 Solicitation of Rides
2520.219 Loitering or Interfering with Traffic
2520.220 Approaching/Departing a Toll Plaza
2520.221 Compliance with Orders or Directions of State Troopers, Etc.

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2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.223 Payment of Tolls
2520.224 Prohibited Lanes
2520.225 Traffic Control Devices
2520.226 Penalty for Violation

SUBPART C: TRESPASS

Section
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Authority
Restriction of Vehicles Using the Tollway
Restriction on Nature of Use of Tollway
Enforcement
Persons and Vehicles Excepted from Requirements of Subpart C.
Penalties

SUBPART D: SPEED RESTRICTIONS

Section
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Authority
Maximum Speed Limits for Passenger Cars
Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailer, House Trailer and Campers
Maximum Speed Limits for Service Areas, Parking Areas, Access Roads and Ramps
Road Hazards and Construction Zones
Minimum Speed Limits
Special Road Conditions

SUBPART E: CONDUCT PROVISIONS

Section
2520.500
2520.501
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Provisions
Violations
Littering - Penalty
Spurious or Counterfeit Tickets, Coupons or Tokens - Penalty
Toll Collection Devices - Penalty for Breaking

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SUBPART F: SEVERABILITY CLAUSE

Section

2520.600 Partial Invalidity

AUTHORITY: Implementing and authorized by "An Act in relation to the constructing, operation, regulation, and maintenance of a system of toll highways and to create the Illinois State Toll Highway Authority, and to define its powers and duties to make an appropriation in conjunction therewith" Ill. Rev. Stat., 1991, ch. 121, par. 100-1 et seq.; 605 ILCS, 1993, ch. 10/1 et seq.

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Il. Reg. 19884; Part repealed, new Part adopted at 17 Il. Reg. _____, effective _____.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 2520.105 Authority

This Part is adopted and promulgated by the Authority pursuant to the powers vested in the Authority by the Toll Highway Act, Ill. Rev. Stat. 1991, ch. 121, par. 100-1, et seq., (605 ILCS, 1993, 10/1, et seq. of the Illinois Compiled Statutes, 1993) and supersede all previous Rules adopted and promulgated by the Illinois State Toll Highway Commission and the Illinois State Toll Highway Authority, pursuant to the Toll Highway Act.

Section 2520.110 Definitions

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as The Illinois State Toll Highway Commission.

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"Authorized Emergency Vehicles" means vehicles of fire departments, police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in Ill. Rev. Stat., 1991, ch. 95 1/2, par. 1-100, et seq., (625 ILCS, 1993, 5/1-100), from time to time amended.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portion of the Tollway right-of-way occupied by restaurants, buildings and service stations, and parking and landscaped areas adjacent thereto.

"Right-of-Way" means the entire area of the Tollway within the fence lines, (or the barrier wall(s), where no fence exists), including but not limited to the roadways, shoulders, structures, landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create the Illinois State Toll Highway Authority and to define its powers and duties, to make an appropriation in conjunction therewith", (Ill. Rev. Stat., 1991, ch. 121, par. 100-1, et seq.), (605 ILCS 10/1) as heretofore or hereafter amended.

"Toll Plaza" means any toll collection facility located upon the Tollway including manned toll booths and/or automatic toll collection machines.

"Tollway" means the Illinois Toll Highways consisting of four routes, including ramp connections, which are described, in general, as:

Tri-State Tollway (I-294/I-94) which extends from the connection with the Calumet and Kingery Expressways (Interstate Routes 94 and 80) west of Lansing, Illinois, west,

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northwest, and north around and through the Chicago Metropolitan Area to Interstate Route 94, terminating one mile south of the Illinois-Wisconsin Line, and includes a spur leading to and from the north end of the Edens Expressway;

Northwest Tollway (I-90) which extends from the connection with the Kennedy Expressway (Interstate Routes 90 and 190) near the Des Plaines River, Leyden Township, Cook County, Illinois, northwest, crossing and connecting with the Tri-State Tollway, continuing northwest past Elgin, Illinois, to Rockford, Illinois, turning north and terminating at a point one and one-half miles south of the Illinois-Wisconsin Line;

East-West Tollway (I-88) which extends from a connection at the western end of the Eisenhower Expressway (Interstate Route 290) in Hillside, Illinois, west, crossing and connecting with the Tri-State Tollway, continuing west past Aurora, DeKalb, Rochelle, and Dixon, and terminating east of Rock Falls, Illinois in a connection with U.S. Route 30;

North-South Tollway (I-355) which extends from a connection with the Stevenson Expressway (Interstate Route 55) near Bolingbrook, Illinois, north, crossing and connecting with the East-West Tollway, passing Woodridge, Lisle, and Lombard, and terminating at Army Trail Road in Addison, Illinois, with a connection to Illinois Route 53.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

SUBPART B: GENERAL TRAFFIC RULES

Section 2520.200 Illinois Vehicle Code

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The Rules in this Subpart B are applicable to traffic on the Tollway and are adopted and prescribed by The Authority pursuant to the power vested in the Authority by the Toll Highway Act.

- a) Except when inconsistent with these Rules, the Illinois Vehicle Code, as from time to time amended, is adopted as a Rule and Regulation regulating traffic and the operation of motor vehicles on the Tollway.
- b) Users of the Tollway are subject to state and federal laws applicable to conduct on the public highways of Illinois, when not inconsistent with this Part.

Section 2520.201 Use of Tollway Prohibited.

The following uses of the Tollway, and entry thereon, or on any part of its Right-of-Way are prohibited:

- a) Pedestrians, except at authorized areas at Oases, Toll Plazas and maintenance areas.
- b) Animals led, ridden or driven on the hoof.
- c) Bicycles with or without motors, or motor driven cycles.
- d) Vehicles transporting animals or poultry not properly secured or confined.
- e) Vehicles with deflated pneumatic tires, metal tires, caterpillar treads, studded tires or tires with chains.
- f) Vehicles with loads improperly secured or vehicles transporting gravel, sand, limestone or like materials apt or capable of being windblown or escaping from the vehicles in any manner unless such load is securely covered.
- g) Farm implements and machinery, whether self-propelled or towed.
- h) Vehicles exceeding the size, weight and load limitations as set out in the Illinois Vehicle Code; provided however that, notwithstanding the provisions of said Code, the following vehicles are prohibited, whether or not a special permit has been issued with respect to such vehicles by the Illinois Department of Transportation:

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- 1) Vehicles exceeding 10 feet in overall width.
- 2) Vehicles exceeding 14 feet 6 inches in height.
- 3) Overdimension Vehicles
 - A) Vehicles whose overall length exceeds 100 feet, unless prior written approval for such overdimension vehicles has been obtained from the Authority. Application for such approval shall be in writing and contain the following information:
 - i) An accurate and complete description of the vehicle, including tractor and trailer license plate numbers, total number of axles, overall length of the vehicle, and a description of the load; and
 - ii) The point(s) at which the vehicle or vehicles are to enter and exit the Tollway; and
 - iii) Other information as the Authority may require to determine whether the vehicle is or vehicles are capable of safely traveling on the Tollway and negotiating the entrance and exit ramps which will be used for the specified routes.
 - B) Nothing herein shall be deemed to require the Authority to issue an overdimension permit for use of the Tollway when the Authority determines, at its discretion, that the vehicle cannot safely or properly travel on the Tollway. Further, the Authority shall not be required to issue an overdimension permit in the event the vehicle load is devisable to an overall length of 100 feet or less.
- 4) Vehicles designed for the carrying of more than 10 persons and exceeding eight feet six inches in width.
- 5) Overweight Vehicles
 - A) Vehicles whose weight exceeds the limitations of Section 15-111 (Section 5/15-111) of the Illinois Vehicle Code, unless written approval has been obtained from the Authority. An application for such approval shall contain the following information:

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- i) An accurate and complete description of the vehicle, including tractor and trailer license plate numbers, total number of axles, distance between axles, axle weights, gross weight, and a description of the load; and
 - ii) The proposed routes to be used including the points at which the vehicle will enter and leave the Tollway; and
 - iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and the entrance and exit ramps which will be used for the specified routes.
- B) Vehicles whose weight exceeds the limitations as set out in Section 15-111 (Section 5/15-111) of the Illinois Vehicle Code by not more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$35.00 to the Authority.
 - C) Vehicles whose weight exceeds the limitations of Section 15-111 (Section 5/15-111) of the Illinois Vehicle Code by more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$150.00 to the Authority.
 - D) Overweight vehicles paying the permit fees required under Section 2520.201 shall not be required to pay a Special Usage Toll as set out in Section 2520.204 of this Part.
 - E) Nothing herein shall be deemed to require the Authority to issue an overweight permit for use of the Tollway when the Authority determines, in its discretion, that the vehicle cannot safely or properly travel on the Tollway.
- i) Overdimension vehicles, as defined by Section 15-100 et seq. (Section 5/15-10 et seq.) of the Illinois Vehicle Code and subsection h) of 2520.201 of this Part, and vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot be readily disassembled, shall be allowed on the Tollway only during the period from one-half hour before sunrise to one-half hour after sunset, Monday through Friday, and

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from one-half hour before sunrise until noon on Saturday, except no such vehicles shall be permitted on the Tollway on the following days:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

In addition, the above specified vehicles are prohibited from using the Tollway beginning at noon the day preceding the above holidays, or beginning at noon the day preceding such holiday weekend.

- j) Vehicles incapable of maintaining a minimum speed of 45 miles per hour on a level grade.
- k) House trailers, during extreme wind, adverse weather or unusual traffic conditions.
- l) Convoys, processions or assemblages of more than 10 vehicles without the prior approval of District 15 of the Illinois State Police.
- m) Vehicles which, in the opinion of State Police sworn personnel or Authority representatives, are in such disrepair, or so poorly equipped or loaded, or are so lacking in equipment as to create a possible hazard to vehicles or persons using the Tollway.

The issuance of overdimension or overweight approvals, or the approval of convoys by the Authority and/or the State Police, District 15, is not a guarantee of safe travel and shall not relieve any person, corporation, or entity requesting such approval or owning or operating a motor vehicle upon the Tollway, from full and complete liability and responsibility for the condition of the vehicle, and its load and for the actions and inactions of the owners and operators of the vehicles, and for any damage or injury caused by the vehicle or its operation.

Section 2520.202 Vehicles and Equipment Which May Be Excepted from Provisions of Section 2520.201
Section 2520.201

Vehicles may be excepted from the provisions of Section 2520.201 of this Part while actively engaged in construction, maintenance and/or landscaping work for the Authority if the owner or

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operator of the vehicle secures prior written approval from an authorized representative of the Engineering Department of the Authority. Such approval shall not relieve any contractor, person, entity or corporation from full and complete liability and responsibility for the condition of the vehicle and the actions or inactions of the owners and operators of the vehicle and for any damage or injury caused by the vehicle or its operation.

Section 2520.203 Transportation of Hazardous Materials

- a) "Hazardous Materials" shall mean and include explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in Title 18, Sections 831-835, U.S. Code, including flammable liquids.
- b) No person directly or through any agent, servant, or employee may use the Illinois Tollway for transporting Hazardous Materials unless in compliance with the appropriate sections of Title 10 and Title 49 of the Code of Federal Regulations.

Section 2520.204 Special Usage Toll

No person shall operate a motor vehicle on the Tollway which exceeds the size and load limitations set forth in Sections 15-100 through 15-107 (Sections 5/15-100 through 5/15-107) of the Illinois Vehicle Code, as heretofore or hereafter amended, without paying the special usage toll as hereinafter provided in this Section 2520.204 ("Special Usage Toll"), or the overweight permit fees set forth in Section 2520.201(h) (5). All vehicles exceeding 8 feet 6 inches in width or 13 feet 6 inches in height, or 80 feet in length, shall be required to pay a Special Usage Toll. A Special Usage Toll Permit ("SUP") will be issued on the following terms and conditions:

- a) The Special Usage Permit form shall be obtained from the Plaza Supervisor or Collector in Charge of the first manned Toll Plaza reached upon entering the Tollway, and all information required by the permit form shall be provided prior to the issuance of the "SUP". The Vehicle shall not proceed any further on the Tollway unless a permit is issued at the first Toll Plaza reached and the proper Special Usage Toll is paid. The "SUP" may be issued to permit use only for the specified trip and at the stated time set forth in the Special Usage form.
- b) A Special Usage Toll charge of \$15.00 shall be paid for said Special Usage Permit, except that the fee for overweight vehicles shall be as set forth in Section 2520.201 (h) (5) and such charge or fee shall be in addition to the regular Toll charges for the use of the Tollway, as provided in Section 2520.223.

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- c) The "SUP" must be exhibited at all Toll Plazas during the course of the permitted trip on the Tollway.
- d) Whenever any vehicle is required to have a State permit from the Illinois Department of Transportation for travel on State roadways, such permit must be presented to the Supervisor or Collector in Charge before a "SUP" can be obtained.
- e) No "SUP" will be issued for vehicles exceeding the size, weight and load limitations set forth in Section 2520.201.
- f) Any person who shall use or attempt to use the Tollway without proper payment of the Special Usage Toll or fee as required by this Section shall be deemed guilty of a petty offense as prescribed by Section 100-27.1 (Section 10/27.1) of the Toll Highway Act.

Section 2520.205 Loading or Unloading of Vehicles

Loading or unloading vehicles on the Right-of-Way is prohibited, except for vehicles making deliveries to the service areas and in the locations provided for that purpose in the service area.

Section 2520.206 Full Stop at All Toll Plazas

Each vehicle must come to a full stop at all Toll Plazas at the time of payment of toll. When red/green signal lights exist at a Toll Plaza lane, the driver of a vehicle shall not proceed until receiving the green light signal.

Section 2520.207 Entering and Leaving the Tollway

Entering the Tollway at any location other than regular entrance ramps or traffic lanes, or leaving the Tollway at any location other than regular exit ramps or traffic lanes, is prohibited. The use of service roads for entry and exit to the Tollway is prohibited. However, this Section shall not prohibit the use of the service roads by Authority vehicles and authorized emergency vehicles when on emergency business.

Section 2520.208 "U" Turns, Etc.

The making of "U" turns on the Tollway, driving around toll barriers or driving through maintenance areas is prohibited, except by authorized police and emergency vehicles and Authority vehicles.

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Section 2520.209 Backing Up of Vehicles

The backing up of a vehicle on any ramp or traffic lane, or improved shoulder adjacent thereto, is prohibited.

Section 2520.210 Parking, Standing or Stopping

- a) Parking, standing or stopping on the Tollway is prohibited except in parking areas provided for that purpose at service areas, Toll Plaza areas, and maintenance areas. In emergencies, when stopping the vehicle, it shall be immediately driven or moved off the traveled portion of the traffic lane or ramp, and shall be removed from the Tollway Right-of-Way within 2 hours, unless a special written permit, issued by a member of District 15 of the Illinois State Police, has been obtained by the owner or operator of the vehicle and except as further provided in Section 2520.213, hereof.
- b) Except where otherwise posted, no vehicle shall be left unattended or abandoned in a parking area on the Right-of-Way by the owner or operator of the vehicle for more than 2 hours without a special written permit issued by a member of the Illinois State Police, District 15.

Section 2520.211 Relocating of Vehicles

Any vehicle left unattended or abandoned in violation of Section 2520.210 or any vehicle constituting a traffic hazard shall be subject to relocation at the expense of the owner or operator of the vehicle. Members of the Illinois State Police, District 15 or Authority personnel are hereby authorized to remove or cause to be removed any such vehicle by an authorized towing service or by such other means that may be available, at the sole expense of the owner or operator of the vehicle.

Section 2520.212 Pushing or Towing of Vehicles

- a) Pushing. The pushing of any vehicle by another vehicle is prohibited except in emergencies. In such an emergency, a disabled vehicle may be pushed off the traffic lanes onto the adjacent shoulder for the purpose of parking, standing or stopping, as provided in section 2520.210 hereof.
- b) Towing. No vehicle shall be towed by another vehicle without a rigid hitch designed and installed so as to give the operator of the towing vehicle full and complete control

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of the towed vehicle, except in emergencies. In an emergency, a disabled vehicle may be towed off the traffic lanes onto the adjacent shoulder for the purposes of parking, standing or stopping, as provided in Section 2520.210 hereof.

Section 2520.213 Stopping or Halting Vehicles by the Authority

District 15 of the Illinois State Police, and persons duly authorized by the Authority, may stop or halt such vehicles as necessary for the conduct of traffic surveys on the Tollway, in emergencies, and for any other lawful purposes. No person shall wilfully fail or refuse to comply with any lawful order or direction of the Illinois State Police, District 15 or duly authorized personnel of the Authority.

Section 2520.214 Destruction of Authority Property

No Person shall cut, mutilate, deface, damage or remove any property or equipment of the Authority or that of its operators, licensees, lessees, agents or contractors.

Section 2520.215 Picnics.

Picnicking within the Right-of-Way, except in areas if provided, at the Oases, is prohibited.

Section 2520.216 Aircraft.

No aircraft, except those owned or operated by the Authority or those authorized by the Illinois State Police, District 15, shall take off, land, or otherwise be operated within the Right-of-Way, unless prior approval is obtained from the Authority.

Section 2520.217 Sale of Goods and Services

No person shall offer or display goods or services for sale or promotion, or post, display or distribute signs, circulars, or printed matter, or operate public address equipment within the Right-of-Way of the Tollway, except as authorized by the Authority.

Section 2520.218 Solicitation of Rides

No person shall solicit or attempt to solicit rides from the driver of any vehicle using the Tollway.

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Section 2520.219 Loitering or Interfering with Traffic

No person shall loiter on or about any portion of the Right-of-Way for any purpose, or in any manner interfere with traffic or in control of traffic.

Section 2520.220 Approaching/Departing a Toll Plaza

The driver of a vehicle approaching or departing a Toll Plaza shall approach or depart from a Toll Plaza in as direct a manner as possible, shall not make any traverse movement across any marked lanes of the approach to or departure from the Toll Plaza, and is required to adjust his vehicular speed and lateral position so as to avoid collision with another vehicle or damaging any personal property or structure.

Section 2520.221 Compliance with Orders or Directions of State Police Troopers, Etc.

No person shall wilfully fail or refuse to comply with any lawful order or direction of any Illinois State Police trooper, Toll Collector, or other Authority employee or agent at the scene of an emergency, or wilfully fail or refuse to comply with an order or direction from such person to comply with these Rules at any other time or place while using the Tollway, or while on Authority Right-of-Way, whether or not traffic related.

Section 2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway

The driver of any vehicle involved in any damage to fixtures, structures, or other property of the Authority or that of its operators, licensees, lessees, agents or contractors (or any other person damaging such property) shall notify the Authority immediately of such damage, and of the details surrounding such occurrence. For the purpose of this Section 2520.222, notice to the Illinois State Police, District 15, shall also constitute notice to the Authority.

Section 2520.223 Payment of Tolls

- a) All persons driving vehicles upon the Tollway, except as provided in subsection (b) below, are required to pay the prescribed Toll at each Toll Plaza encountered while using the Tollway. However, tolls may be paid for in the following manner:

- 1) By currency or change presented to a toll collector, or by correct change deposited in the automatic coin machine.

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- 2) By a valid and current charge plate issued by the Authority, and presented to the toll collector.
- b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.
- c) Failure to pay the prescribed Toll is subject to punishment as provided in Section 100-27.1 (Section 10/27.1) of the Toll Highway Act, as from time to time amended.
- d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a Toll, shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 100-27.1 (Section 10/27.1) of the Toll Highway Act, as from time to time amended.
- e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This Section shall not apply to any person who retrieves coins he or she dropped while attempting payment of their Toll.
- f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny, shall be deemed guilty of a Class 4 felony, and subject to fine and/or punishment, as provided by the law for such class of crime.

g) No vehicle shall be driven through a Toll Plaza collection facility without payment of the proper Toll. In the event of non-payment of the proper Toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall, upon notice to said registered owner by mail or personal service, be liable to make prompt payment to the Authority of the proper Toll charge as well as an administrative fee of \$20.00. Upon failure to pay the proper Toll and administrative fee to the Authority after notice thereof and within the time designated in such notice, the registered owner shall also be subject to payment of a fine not to exceed \$50.00 for each and every violation of this subsection and any other fine or penalty that may now or hereafter be prescribed by law for such violations. This subsection shall not apply where the driver of the vehicle is

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fined or otherwise penalized for the same violation under any other Authority Rule or Regulation regarding failure to pay the prescribed Toll.

Section 2520.224 Prohibited Lanes.

No person driving a vehicle on the Tollway shall pass through any lane designated "DO NOT ENTER" except operators of Authority vehicles, Authority officers or employees, or members of the Illinois State Police, District 15, while driving Authority or State Police vehicles.

Section 2520.225 Traffic Control Devices

- a) All persons driving vehicles upon the Tollway are required to obey all traffic control devices on the Tollway unless otherwise directed by a member of the Illinois State Police, District 15, or an authorized Authority employee.
- b) The Engineering Department of the Authority shall have the power to establish specifications for traffic control devices on the Tollway; provided however, that unless the Authority or its Engineering Department has established contrary specifications, the Illinois Department of Transportation Manual and specifications for traffic control devices, as adopted, shall apply.

Section 2520.226 Penalty for Violation

Except where a different penalty is expressly provided, any person who violates any provision of Subpart B of these Rules shall be deemed guilty of a petty offense, and upon conviction, shall be subject to punishment as provided by law for petty offenses.

SUBPART C: TRESPASS

Section 2520.300 Authority

The following Rules in this Subpart C are applicable to persons and vehicles on Authority Right-of-Way, and are adopted and promulgated by the Authority pursuant to the power vested in the Authority by the Toll Highway Act.

Section 2520.301 Restriction of Vehicles Using the Tollway

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- a) Use of the Tollway or any part thereof, including the entering of the Tollway Right-of-Way at any point by any motor vehicle or by any other method for the purpose of proceeding on, across or along said Tollway or any part thereof, is restricted to vehicles not prohibited by Section 2520.201 of this Part, and use of the Tollway is further restricted to:

- 1) Vehicles which have paid Tolls as required by Sections 2520.204 and 2520.223 and, where applicable, the overweight permit fee provided in Section 2520.201; and
 - 2) Vehicles which have entered the Tollway as part of travel to or from highways on ramps provided for that purposes.
- b) Any person driving a vehicle in violation of the requirements of subsection (a) above is guilty of a trespass.

Section 2520.302 Restriction on Nature of Use of Tollway

- a) Any person or persons may use the Tollway or any part thereof only as a transportation facility in accordance with the Rules adopted by the Authority pursuant to its powers under Section 100-10(b) of the Toll Highway Act, and shall not use the Tollway or the Right-of-Way for any other purposes. During such use, said persons may, as necessarily and directly related to the use of said Tollway as a transportation facility, use the service areas, restaurants, telephone and toilet facilities at Toll Plazas and maintenance buildings.

- b) Any person using any part of the Tollway or Right-of-Way except as herein provided is guilty of a trespass.

Section 2520.303 Enforcement

- a) For the purpose of giving notice of acts declared unlawful by this Subpart C, the Authority hereby authorizes each and every Director, officer and employee of the Authority and each and every member of the Illinois State Police, District 15, having knowledge of such an unlawful entry upon the Right-of-Way of the Tollway to promptly notify such persons to depart from such Authority property.

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- b) After after being notified by any Director, officer or employee of the Authority or by a member of the Illinois State Police, District 15 as provided in subsection (a) above, any person who fails or refuses to immediately depart from such land is subject to arrest and/or immediate removal from Authority Right-of-Way, and shall be subject to prosecution for trespass.
- c) The Illinois State Police, District 15, are authorized to enforce the provisions of Subpart C, after verbal notice as provided above, or without verbal notice in cases where written notice forbidding entry in the area is posted.

Section 2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C.

Nothing contained in this Article shall be construed as applying to the activities of the Authority, its Directors, officers, employees, agents, or contractors in the conduct of the Authority's official business while carrying out such business, or applying to persons having a written license or permit from the Authority authorizing uses hereinbefore prohibited; nor the activities of public police, public fire, public ambulance or tow truck vehicles properly called upon the Right-of-Way or Tollway for emergency purposes while carrying out such purposes.

Section 2520.305 Penalties

Any person who violates any provision of Subpart C of this Part shall be guilty of a trespass and shall be subject to prosecution, and upon conviction, shall be subject to punishment in accordance with Section 21-3 of the Illinois Criminal Code, as heretofore or hereafter amended, Ill. Rev. Stat., 1991, ch. 38, par. 21-3), (720 ILCS 5/21-3).

SUBPART D: SPEED RESTRICTIONS

Section 2520.400 Authority

The Authority has established (with approval of the Department of Transportation) the following speed limits for the Tollway, and the following speed limits are applicable to traffic on the Tollway:

Section 2520.401 Maximum Speed Limits for Passenger Cars

The following shall be the maximum speed limits for all passenger cars on the Tollway except as provided by Sections 2520.403 and 2520.404:

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- a) Tri-State Tollway (I-294/I-94):
55 miles per hour south of Toll Plaza 21 (M.P. 73.5).
65 miles per hour north of Toll Plaza 21 (M.P. 73.5).
- b) Northwest Tollway (I-90):
55 miles per hour east of Toll Plaza 9 (M.P. 25.0).
65 miles per hour west of Toll Plaza 9 (M.P. 25.0).
- c) East-West Tollway (I-88):
55 miles per hour east of Toll Plaza 61 (M.P. 133.3).
65 miles per hour west of Toll Plaza 61 (M.P. 133.3).
- d) North-South Tollway (I-355):
55 miles per hour for the entire length.

Section 2520.402 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers

The maximum speed for trucks, buses, and passenger cars towing trailers, house trailers and campers, is 55 miles per hour on all Tollways except as provided by Sections 2520.403 and 2520.404.

Section 2520.403 Maximum Speed Limits for Service Areas, Parking Areas, Access Roads and Ramps

The maximum speed limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h. Maximum speed limits for ramps shall be as posted.

Section 2520.404 Road Hazards and Construction Zones

The Authority may temporarily alter and post maximum and minimum speed limits for all vehicles due to road hazards or to construction work. All vehicles shall comply with such posted speed limits in such zones.

Section 2520.405 Minimum Speed Limits

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Minimum speed limits for all vehicles operated on the Tollway shall be 45 m.p.h. except as provided for in Sections 2520.403 and 2520.404 or, Section 2520.406 when warranted, of this Part.

Section 2520.406 Special Road Conditions

Motorists on the Tollway are required, in accordance with Section 11-601 of the Illinois Vehicle Code, to reduce their speed because of special traffic, highway and weather conditions, road hazards, curves, ramps, merging traffic, and other like conditions, to a speed which is reasonable under their circumstances, so as not to endanger the safety of any person or property.

SUBPART E: CONDUCT PROVISIONS

Section 2520.500 Provisions

For the convenience and safety of Tollway users, notice is hereby given of the following provisions regulating conduct on the Tollway as set forth in Sections 100-26 to 100-28 of the Toll Highway Act.

Section 2520.501 Violations

Any person who violates any resolution, rule or regulation adopted or promulgated by the Authority, pursuant to Section 10, subsection (b) of the Toll Highway Act, shall be guilty of a petty offense.

Section 2520.502 Littering - Penalty

It is unlawful for any person to deposit within the Right-of-Way limits of the toll highway, any trash, glass, weeds, garbage or other offensive matter. Any person so offending shall be guilty of a petty offense and shall be fined not less than \$5 nor more than \$50. However, this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the Tollway.

Section 2520.503 Spurious or Counterfeit Tickets, Coupons, or Tokens - Penalty

It is unlawful for any person to use any spurious or counterfeit tickets, coupons or tokens in payment of any toll required to be paid by the Authority under the provisions of this Act, or any

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person who shall attempt to use the Tollway without payment of the tolls required by the Authority, shall be deemed guilty of a petty offense and shall be fined not less than \$5 nor more than \$100 for each such offense. Each day any toll highway is used by such person in violation of this Act shall constitute a separate offense.

Section 2520.504 Toll Collection Devices - Penalty For Breaking

Any person who wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony.

SUBPART F: SEVERABILITY CLAUSE

Section 2520.600 Partial Invalidity

The provisions of this Part are severable, and if any provision shall be held unconstitutional by a court of competent jurisdiction, the decision of such court as to the unconstitutionality of such provisions shall not affect or impair any of the remaining provisions.

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NOTICE OF PROPOSED REPEALER

- | | | |
|----------------------------|--------------------------|-------------------------|
| 1) <u>Heading of Part:</u> | State Toll Highway Rules | |
| 2) <u>Code Citation:</u> | 92 Ill. Adm. Code 2520 | |
| 3) <u>Section Numbers:</u> | | <u>Proposed Action:</u> |
| | 2520.105, 2520.26 | Repealed |
| | 2520.110 | Repealed |
| | 2520.200 | Repealed |
| | 2520.201 | Repealed |
| | 2520.202 | Repealed |
| | 2520.203 | Repealed |
| | 2520.204 | Repealed |
| | 2520.205 | Repealed |
| | 2520.206 | Repealed |
| | 2520.207 | Repealed |
| | 2520.208 | Repealed |
| | 2520.209 | Repealed |
| | 2520.210 | Repealed |
| | 2520.211 | Repealed |
| | 2520.212 | Repealed |
| | 2520.213 | Repealed |
| | 2520.214 | Repealed |
| | 2520.215 | Repealed |
| | 2520.216 | Repealed |
| | 2520.217 | Repealed |
| | 2520.218 | Repealed |
| | 2520.219 | Repealed |
| | 2520.220 | Repealed |
| | 2520.221 | Repealed |
| | 2520.222 | Repealed |
| | 2520.223 | Repealed |
| | 2520.224 | Repealed |
| | 2520.225 | Repealed |
| | | |
| | 2520.300 | Repealed |
| | 2520.301 | Repealed |
| | 2520.302 | Repealed |
| | 2520.303 | Repealed |

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2520.600
2520.601
2520.602
2520.603
2520.604

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Persons who wish to comment on this proposed repealer may submit written comments within thirty (30) days of the publication of this notice in the Illinois Register to:

Mr. Frank M. Howard
Chief Counsel
Special Assistant Attorney General
Illinois State Toll Highway Authority
One Authority Drive
Downers Grove, Illinois 60515

All written comments received within thirty (30) days of the issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis: (Not Applicable)

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, par. 100-1 et seq., (605 ILCS 10/1 et seq.)

5) A complete description of the subjects and issues involved: This Part contains the current rules of Illinois State Toll Highway Authority applicable to traffic and persons using the toll highway system.

6) Will this proposed rulemaking replace an emergency rule currently in effect? (Not Applicable)

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? Yes

9) Are there any other amendments pending on this part? No. The entire Part seeks repeal of the current rules.

10) Statement of Statewide Policy Objectives: These rules did not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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TITLE 92: TRANSPORTATION

CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 2520

STATE TOLL HIGHWAY RULES

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AUTHORITY: Implementing and authorized by "AN ACT in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Authority, and to define its powers and duties, to make an appropriation in conjunction therewith" (Ill. Rev. Stat. 1983, ch. 121, pars. 100-1 et seq.).

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; repealed at 17 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 2520.26 Penalty for Violation

Any person who violates any provision of Subpart B of these Rules and Regulations shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided by Section 100-26 of the Toll Highway Act.

Section 2520.105 Authority

The following Rules and Regulations are adopted and promulgated by the Authority pursuant to the powers vested in the Authority by Chapter 121, Section 100-1 et seq., Illinois Revised Statutes, 1971, and supersede all previous Rules and regulations adopted and promulgated by Illinois State Toll Highway Authority or Illinois State Toll Highway Authority pursuant to the powers vested by Section 100-10 (a) and (b) of the aforementioned Act.

Section 2520.110 Definitions

The following words and phrases when used herein shall have the meanings respectively ascribed to them in this article.

"Authority" means The Illinois State Toll Highway Authority, an administrative agency and instrumentality of the State of Illinois, formerly known as The Illinois State Toll Highway Commission.

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"Authorized Emergency Vehicles" means vehicles of fire departments, police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority.

"Department Of Transportation" means the Department of Transportation of the State of Illinois.

"Illinois Vehicle Code" means "An Act in relation to vehicles, the ownership, use, operation and regulation thereof, imposing fees and taxes, providing for penalties and repealing Acts herein named" as heretofor or hereafter amended. (Ill. Rev. Stat. 1983, ch. 95-1/2, pars. 1-100 et seq.).

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement.

"Oases" means the portion of the Tollway right-of-way occupied by the restaurant buildings and service stations, and parking and landscaped areas adjacent thereto.

"Right-of-Way" means the entire area of the Tollway within the fence lines, including but not limited to the roadways, shoulders, structures, landscaped areas, oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Authority, and to define its powers and duties, to make an appropriation in conjunction therewith", as heretofor or hereafter amended. (Ill. Rev. Stat. 1983, ch. 121, pars. 100-1 et seq.)

"Tollway" means the Northern Illinois Toll Highway consisting of three routes which are described in general as:

Tri-State Tollway which extends from the connection with Calumet and Kingery Expressways (Interstate Routes 94 and 80) west of Lansing, Illinois, west Northwest, and north around and through the Chicago Metropolitan Area to Interstate Route 94 one mile south of the Illinois-Wisconsin Line, including a spur to the north end of Edens

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Expressway; Northwest Tollway which extends from the connection with the Kennedy Expressway (Illinois Route 194) near the Des Plaines River, Leyden Township, Cook County, Illinois, thence northwest crossing and connecting with the Tri-State Tollway, Illinois, thence northwest crossing and connecting with the Tri-State Tollway, Illinois, thence northwest passing Elgin, Illinois, to Rockford, Illinois, and thence northerly to the point one and one-half miles south of the Illinois-Wisconsin Line; East-West Tollway which extends from a connection at the western end of the Eisenhower Expressway, Interstate Route 90 in Hillside, Illinois, thence westerly crossing and connecting with the Tri-State Tollway, thence westerly past Aurora, Dekalb, Rochelle, Dixon, and terminating east of Rock Falls, Illinois in a connection with State Route (FAP) 403 and interchanging with Federal Aid Route 30.

"Toll Plaza" means any toll collection facility located upon the Tollway including manned toll booths and/or automatic toll collection machines.

"Traffic Control Devices" means all signs, signals and markings placed or erected by the Authority for the purpose of regulation, warning, or guiding traffic.

"Traffic Lanes" shall be designated numerically with the extreme right lane of each directional roadway being numbered "Lane No. 1", and each lane to the left of lane no. 1 being numbered consecutively.

SUBPART B: GENERAL PROVISIONS

Section 2520.200 Illinois Vehicle Code

- a) Except when inconsistent with these Rules and Regulations, the Illinois Vehicle code, as heretofore or hereafter amended, is adopted as a Rule and Regulation regulating traffic and the operation of motor vehicles on the Tollway.
- b) Users of the Tollway are subject to state and federal laws applicable to conduct on the public highways of Illinois, when not inconsistent with the Rules and Regulations of the Illinois Tollway.

Section 2520.201 Use of Tollway Prohibited Use of the Tollway, and entry thereon or on any part of its right-of-way is prohibited by the following:

- a) Animals led, ridden or driven on the hoof, or Pedestrians.
- b) Bicycles with or without motors, or motor driven cycles.
- c) Vehicles transporting animals or poultry not properly secured or confined.

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- d) Vehicles with deflated pneumatic tires, metal tires, or caterpillar treads.
- e) Vehicles with loads improperly secured or vehicles transporting gravel, sand, limestone or like materials apt or capable of being windblown or escaping from the vehicles in any manner, unless such load is securely covered.

- f) Farm implements and machinery, whether self-propelled or towed.

- g) Vehicles exceeding the size, weight and load limitations as set out in the Illinois Vehicle Code as heretofore or hereafter amended: Provided however, that notwithstanding the provisions of said Code, the following vehicles are prohibited, whether or not a special permit has been issued by the Department of Transportation:

- 1) Vehicles exceeding 10 feet in overall width.
- 2) Vehicles exceeding 14 feet 6 inches in height.
- 3) Vehicles whose overall length exceeds 80 feet without prior written approval based on the following information supplied to the Authority:

- A) Whether permission is requested for a single trip or for limited continuous operation;
- B) A description of the vehicle or vehicles including license plate numbers and overall length of the vehicle or vehicles and load;
- C) The point at which the vehicle or vehicles are to enter and leave the Tollway; and
- D) Information sufficient to establish that the vehicle or vehicles are capable of safely negotiating the entrance and exit ramps which will be used on the specified routes.

- 4) Vehicles designed for the carrying of more than 10 persons exceeding eight feet eight inches in width.

5)

- A) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95 1/2, pars. 5-111) as heretofore or hereafter amended without prior written approval based on the following information supplied to the Authority:

- i) A description of the vehicle including license plate number, number and type of axles, distance between axles, empty weight of vehicle, and weight of vehicle load; and
- ii) The points at which the vehicle will enter and leave the Tollway.

B)

Vehicles whose weight exceeds the limitation as set out in Section 15-111 of the Illinois Vehicle Code by not more than 30% shall pay a permit fee of \$35.

- C) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code by more than 30% shall pay a permit fee of \$150.

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- D) Overweight vehicles shall be exempt from the requirements of obtaining a Special Usage Toll Form and the payment of a Special Usage Toll as set out in Section 2520.204 of these rules and Regulations.

h)

- 1) Overdimension vehicles as defined by Article 1 of Chapter 15 of the Illinois Vehicle Code and vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot be readily dismembered shall be allowed on the Tollway only from sunrise to sunset, Monday through Friday and may not use the Tollway on the following holidays without written permission of the Authority:

New Year's
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

- 2) In addition, whenever one of the aforementioned holidays is immediately preceded or immediately followed by a weekday, the above specified vehicles shall be prohibited from using the Tollway on said weekdays without written permission of the Authority.

- i) Vehicles incapable of maintaining a minimum speed of 45 miles per hour on a level grade.
- j) House trailers during extreme wind, adverse weather or unusual traffic conditions.
- k) Convoys, processions or assemblages of more than 10 vehicles without the prior approval of the Illinois State Police, District 15. Such approval shall not relieve any person, corporation, or firm requesting such approval or operating a motor vehicle upon the Tollway from any liability or the responsibility to exercise due care at all times.
- l) Vehicles which, in the opinion of State Police Troopers, are in such condition, are so poorly equipped, or are so lacking in equipment as to create a possible hazard to vehicles or persons using the Tollway.

Section 2520.202

Vehicles and Equipment which May Be Excepted From Provisions of Section 2520.201

Contractors' vehicles may be excepted from the provisions of Section 2520.201 of these Rules and Regulations while actively engaged in construction, maintenance and/or landscaping for the Authority if they secure prior written approval from the Engineering Department of the Authority. Such approval shall not relieve any contractor, person, firm or corporation from any liability or the responsibility to exercise due care at all times.

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Section 2520.203 Transportation of Hazardous Materials

- a) When used herein, "person" shall be meant to include any natural person as well as corporations, whether domestic or foreign.
- b) "Hazardous materials" shall be meant to include explosives, radioactive materials, etiologic agents, and other dangerous articles, as defined in Crimes and Criminal Procedures (18 U.S.C. 831-835), including flammable liquids.
- c) No person or persons, directly or through any agent, servant, or employee may use the Illinois Tollway for transporting hazardous materials unless in compliance with the appropriate sections of Title 10 and Title 49 of the Code of Federal Regulations.

Section 2520.204 Special Usage Toll

No person shall operate a motor vehicle which exceeds the size and load limitations set forth in Sections 15-100 through 15-107 of the "Illinois Vehicle Code" without paying a Special Usage Toll as evidenced by a Special Usage Toll Form: Provided however, notwithstanding the provisions of said Act, all vehicles exceeding 8 feet in width shall be required to pay a Special Usage Toll. Special Usage Toll Forms shall be issued on the following terms and conditions:

a) Such Special Usage Toll Form shall be obtained from the Toll Collector in charge of the first manned toll plaza reached after entering the Tollway, and shall permit use only for a specified trip at a stated time.

- b) A toll charge of \$10.00 shall be made for said Special Usage Toll Form and such charge shall be in addition to the regular toll charge for the use of the Tollway.
- c) Such Special Usage Toll Form must be exhibited at all toll plazas during the course of the permitted trip on the Tollway.
- d) Whenever any vehicle is required to have a state Permit from the Department of Transportation, such permit must be presented to the toll collector in charge before a Special Usage Toll Form can be obtained.
- e) No special Usage Toll Form shall be issued to vehicles exceeding limitations set forth in Section 2520.201.
- f) Any person who shall use or attempt to use the Tollway without payment of a Special Usage Toll as required by this Section shall be deemed guilty of a misdemeanor as prescribed by Section 100-27.1 of the "Toll Highway Act".

Section 2520.205 Loading or Unloading of Vehicles

Loading or unloading of vehicles on the Tollway is prohibited except for vehicles making deliveries to the service areas in locations provided for the purpose in the service areas.

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such vehicle by an authorized towing service or by such other means that may be available.

Section 2520.212 Pushing or Towing of Vehicles

- a) Pushing. The pushing of any vehicle by another vehicle is prohibited except in emergencies in which case a disabled vehicle may be pushed off the traffic lanes onto the adjacent shoulder for the purpose of parking, standing or stopping, as provided in Section 2520.210 hereof.
- b) Towing. No vehicle shall be towed by another vehicle without a rigid hitch so designed and installed as to give the operator of the towing vehicle full and complete control of the towed vehicle, except in emergencies in which case a disabled vehicle may be towed off the traffic lanes onto the adjacent shoulder for the purpose of parking, standing or stopping, as provided in Section 2520.210 hereof.

Section 2520.213 Stopping or Halting Vehicles for Traffic Surveys

The Illinois State Police, District 15, or persons duly authorized by the Authority, may stop or halt such vehicles necessary for the conduct of traffic surveys on the Tollway. No person shall wilfully fail or refuse to comply with any lawful order or direction of the Illinois State Police, District 15, or persons duly authorized by the Authority.

Section 2520.214 Destruction of Authority Property

No person shall cut, mutilate, deface, damage or remove any property or equipment of the Authority or its lessees.

Section 2520.215 Picnics

Picnicking within the right-of-way of the Tollway except as provided for at the Oases is prohibited.

Section 2520.216 Aircraft

No aircraft, except those owned or operated by the Authority, or those authorized by the Illinois State Police, District 15, shall take off, land, or otherwise be operated within the right-of-way of the Tollway.

Section 2520.217 Sale of Goods or Services

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Section 2520.206 Full Stop at All Toll Plazas

A full stop must be made at all toll plazas.

Section 2520.207 Entering or Leaving the Tollway

Entering the Tollway at any location other than regular lanes or leaving the Tollway at any location other than regular exit lanes is prohibited: Provided however, this Section shall not be meant to prohibit Authority vehicles, vehicles making deliveries to service areas, or employees of service areas from using service roads.

Section 2520.208 "U" Turns, Etc.

The making of "U" turns on the Tollway, driving around toll barriers or driving through maintenance areas is prohibited, except by authorized emergency and Authority vehicles.

Section 2520.209 Backing of Vehicles

The backing of a vehicle on any ramp, traffic lane or improved shoulder adjacent thereto is prohibited.

Section 2520.210 Parking, Standing or Stopping

- a) Parking, standing or stopping on the Tollway is prohibited except in parking areas provided for the purpose at service areas, toll plaza areas, and maintenance areas; and in emergencies, in which case the vehicle shall be driven or moved off the traveled portion of the roadway but not for a period greater than 2 hours, without special written permit issued by a member of the Illinois State Police, District 15; and except as further provided in Section 2520.213 hereof.
- b) Except where otherwise posted no vehicle shall be left unattended or abandoned in a parking area for more than 24 hours without a special written permit issued by a member of the Illinois State Police, District 15.

Section 2520.211 Relocating of Vehicles

Any vehicle left unattended or abandoned in violation of Section 2520.210 or any vehicle constituting a traffic hazard shall be subject to relocation at the owner's expense. Members of the Illinois State Police, District 15, are hereby authorized to remove or cause to be removed any

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No person shall offer or display goods or services for sale, or post, display, or distribute signs, circulars or printed matter, or operate public address equipment within the right-of-way of the Tollway, except as authorized by the Authority.

Section 2520.218 Solicitation for Rides

No person shall solicit or attempt to solicit rides from the driver of any vehicle using the Tollway.

Section 2520.219 Loitering or Interfering with Traffic

No person shall loiter in or about any portion of the Tollway right-of-way for any purpose, or in any manner interfere with traffic or the control of traffic.

Section 2520.220 Approaching a Toll Plaza

Upon approaching a toll plaza, each driver shall enter the lane he intends to use in as direct a manner as possible but shall not make any traverse movements across the lanes of the approach.

Section 2520.221 Compliance with Orders or Directions of State Police Troopers, Etc.

No person shall wilfully fail or refuse to comply with any lawful order or direction of any State Police Trooper, Toll Collector, or other Tollway personnel at the scene of an emergency.

Section 2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway

The driver of any vehicle involved in any damage to fixtures, structures or other property of the Authority or its lessees shall notify the Authority immediately of such damage and of the details surrounding such occurrence. For purpose of this Section, notice to the Illinois State Police, District 15, shall constitute notice to the Authority.

Section 2520.223 Payment of Tolls

- a) All persons driving vehicles upon the Tollway except as provided in paragraph (b) of this Section are required to pay the prescribed tolls at each toll plaza encountered while using the Tollway. In addition, upon entering or leaving the Tollway, persons in possession of an Illinois State Toll Highway Authority charge plate are required to pay tolls in cash at all toll plazas where there are no manned toll booths.
- b) Tolls shall not be required of Authority officers and employees while on Authority

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business, or of public police, public fire or public ambulance vehicles when on official business and when the vehicle is readily identifiable as such.

- c) Failure to pay the prescribed tolls is punishable pursuant to the provisions of Section 100-27.1 of the Toll Highway Act.

Section 2520.224 Official Lanes

No person driving a vehicle on the Tollway shall pass through any lane designated as an official lane except Authority officers, employees and members of the Illinois State Police, District 15, while driving Authority vehicles.

Section 2520.225 Traffic Control Devices

- a) All persons driving vehicles upon the Tollway are required to obey all traffic control devices on the Tollway unless otherwise directed by a member of the Illinois State Police, District 15, or an authorized Authority employee.
- b) The Engineering Department of the Authority shall have the power to adopt specifications for traffic control devices; Provided however that whenever practicable the Manual of Uniform Traffic Control Devices for Streets and Highways (92 Ill. Adm. Code 546) adopted by the Department of Transportation of the State of Illinois shall apply.

SUBPART C: TRESPASS

Section 2520.300 Authority

The following regulations are adopted and promulgated by the Authority pursuant to the power vested in the Authority by Section 100-10 (a) of the Toll Highway Act.

Section 2520.301 Restriction on Vehicles Using the Tollway

- a) Use of the Tollway or any part thereof including the entering of the Tollway right-of-way at any point by any motor vehicle, or by any other method for the purpose of proceeding across or along said Tollway or any part thereof is restricted to vehicles not prohibited by Section 2520.201 of these Rules and Regulations and is further restricted to:
 - 1) Vehicles which have paid tolls as required by Sections 2520.204 and 2520.223 of these Rules and Regulations; or
 - 2) Vehicles which have entered the Tollway as part of travel to or from highways on

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ramps provided for that purpose.

- b) Any person driving a vehicle in violation of the aforementioned requirements is guilty of a trespass.

Section 2520.302 Restriction on Nature of Use of Tollway

- a) Person or persons may use the Tollway or any part thereof only as a transportation facility, and during such use of said Tollway, said persons may for the accommodation of their needs as members of the traveling public necessarily and directly related to the use of said Tollway as a transportation facility, use the service areas, restaurants, telephone and toilet facilities at toll plaza and maintenance buildings, all in accordance with the traffic regulations heretofore adopted by the Authority pursuant to its powers under Section 100-10 (b) of the Toll Highway Act.
- b) Any person using any part of the Tollway except as herein provided is guilty of a trespass.

Section 2520.303 Enforcement

- a) The Authority hereby directs each and every Director, officer and employee of the Authority and each and every member of the Illinois State Police, District 15, having knowledge of the entry upon such lands by any person, for purposes declared unlawful by this Article, promptly to notify such persons to depart from such lands.
- b) If, after being notified by any Director, officer or employee of the Authority as prescribed in paragraph (a), any person neglects or refuses to depart from such land, said Director, officer or employee is directed to promptly inform the Illinois State Police, District 15.

Section 2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C

Nothing contained in this Article shall be construed as prohibiting or interfering with the activities of the Authority, its Directors, officers, agents, lessees, employees or servants in the conduct of the Authority's official business or with persons having a written license or permit from the Authority, authorizing uses other than hereinbefore specified, including but not limited to construction, maintenance, photography and similar functions related to officially sanctioned purposes of the Authority or the activities of public police, public fire, public ambulance or tow truck vehicles properly called upon the Tollway for emergency purposes.

Section 2520.305 Penalties

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Any person who violates any provision of Subpart C of these Rules and Regulations shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25, nor more than \$500.

SUBPART D: SPEED RESTRICTIONS

Section 2520.400 Authority

The Authority has established by Resolution (with approval of the Department of Transportation) the following speed limits for the Tollway.

Section 2520.401 Maximum Limits for Passenger Cars

The following shall be the maximum limits for all passenger cars on the Tollway except as provided by Sections 2520.403 and 2520.404 of these Rules and Regulations:

- a) Tri-State Tollway:
 - 1) 65 m.p.h. south of the point where the Tri-State Tollway crosses over Ballard Road.
 - 2) 70 m.p.h. north of the point where the Tri-State Tollway crosses over Ballard Road.
- b) Northwest Tollway:
 - 1) 65 m.p.h. from the southeastern terminus of the Northwest Tollway to the point one mile east of Barrington Road.
 - 2) 70 m.p.h. from the northwestern terminus of the Northwest Tollway to the point one mile east of Barrington Road.
- c) East-West Tollway:
 - 1) 65 m.p.h. from the eastern terminus of the East-West Tollway to the point 1/4 mile west of Highland Avenue, except that the maximum speed for vehicles traveling eastbound on the East-West Tollway shall be 55 m.p.h. beginning at the point where the East-West Tollway crosses over Roosevelt Road and continuing to the eastern terminus of the East-West Tollway.
 - 2) 70 m.p.h. from the western terminus of the East-West Tollway to the point 1/4 mile west of Highland Avenue.

Section 2520.402 Maximum Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers

The maximum speed for trucks, buses, passenger cars towing trailers, house trailers and campers

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is 60 m.p.h. except as provided by Sections 2520.403 and 2520.404 of these Rules and Regulations, and except that the maximum speed for vehicles traveling eastbound on the East-West Tollway shall be 55 m.p.h. beginning at the point where the East-West Tollway crosses over Roosevelt Road and continuing to the eastern terminus of the East-West Tollway.

Section 2520.403 Maximum Limits for Service Areas, Parking Areas, and Access Roads

The maximum limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h.

Section 2520.404 Road Hazards and Construction Zones

- a) The Authority may temporarily alter maximum and minimum speed limits for all vehicles due to road hazards or to construction work.
- b) The posted regulatory limits shall be in accordance with a traffic and engineering investigation which determines the prevailing speed of traffic in accordance with Section IV of the Department of Transportation's "A Policy on Establishing and Posting Speed Limits on Streets and Highways" (92 Ill. Adm. Code 548), as heretofore or hereafter amended.
- c) The Authority shall immediately notify the appropriate Regional or District Engineer of the Department of Transportation of the location and amount of any speed limit altered as a result of this Section.

Section 2520.405 Minimum Limits

Minimum Speed Limits for all vehicles operated on the Tollway shall be 45 m.p.h. except as provided for in Sections 2520.403 and 2520.404 of these Rules and Regulations.

SUBPART E: SEVERABILITY CLAUSE

Section 2520.501 Partial Invalidity

The provision of these Rules and Regulations are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SUBPART F: CONDUCT REGULATIONS

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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Section 2520.600 Provisions

For the convenience and safety of Tollway users, the following Sections 2520.601, 2520.602, 2520.603 and 2520.604 are various provisions regulating conduct on the Illinois Tollway as set forth in the Toll Highway Act.

Section 2520.601 Penalties

Any person who violates any resolution, rule or regulation, adopted or promulgated by the Authority, pursuant to Section 10(b) of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$25, nor more than \$500 (Section 100-26 of the Toll Highway Act).

Section 2520.602 Littering-Penalty

It is unlawful for any person to deposit within the right-of-way limits of the toll highways trash, glass, weed, garbage or other offensive matter; and any person so offending shall be fined not less than \$5.00 nor more than \$50.00. However, this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the toll highway (Section 100-27 of the State Toll Highway Act).

Section 2520.603 Spurious or Counterfeit Tickets, Coupons, or Tokens-Penalty

Any person who shall use any spurious or counterfeit tickets, coupons or tokens in payment of any toll required to be paid by the Authority under the provisions of this Act, or who shall attempt to use the highway without payment of the tolls prescribed by the Authority, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 nor more than \$100 for each such offense. Each day any toll highway is used by any person in violation of this Act shall constitute a separate offense (Section 100-27.1 of the State Toll Highway Act).

Section 2520.604 Toll Collection Devices-Penalty For Breaking

Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a felony and shall be imprisoned in the penitentiary for any term of years not less than one year or more than five years of by a fine of not less than \$500 nor more than \$5,000 or both (Section 100-28 of the State Toll Highway Act).

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ill. Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois
- 2) Code Citation: 74 Ill. Adm. Code 740
- 3) Section Numbers:
740.5 Proposed Action:
New
740.10 Amended
740.20 Amended
740.30 New
- 4) Statutory Authority: Ill. Rev. Stat 1991 ch. 130, par. 17
- 5) A Complete Description of the Subjects and Issues Involved:
These amendments clarify the duties and relationship with the IPTIP Custodian and IPTIP participants.
- 6) Will this proposed rule replace an emergency rule currently in effect? NO
- 7) Does this rulemaking contain an automatic repeal date? NO
- 8) Does this proposed rule amendment contain incorporations by reference? NO
- 9) Are there any other proposed amendments pending on this part? NO
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate on any unit of local government subject to the State Mandates Act.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Direct comments to:
Matt Berns
State Treasurer's Office
State of Illinois Center, Suite 15-600
100 West Randolph
Chicago, IL 60601
- 12) Initial Regulatory Flexibility Analysis: This proposed amendment does not affect small business.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

PART 740

ILLINOIS PUBLIC TREASURERS' INVESTMENT POOL FOR PUBLIC
TREASURERS IN THE STATE OF ILLINOIS

Sections

740.5 Definitions
740.10 Eligibility Requirements
740.20 Participation Requirements
740.30 Custodial Account

AUTHORITY: Implementing and authorized by Section 17 of "AN ACT to revise the law in relation to the State Treasurer" (Ill. Rev. Stat. 1991 ch. 130, par. 17).

SOURCE: Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois, effective December 29, 1977: codified at 5 Ill. Reg. 11090; amended at 17 Ill. Reg. _____, effective _____.

Section 740.5 Definitions

"Administrator and Fiscal Agent" The Treasurer of State of Illinois or designee.

"Application Form" The form prepared by the administrator providing all required pertinent information to be filed by the participant prior to the deposit of any public funds in IPTIP.

"Custodian" Institution appointed by the Treasurer responsible for accounting and trust services for IPTIP.

"Custodial Accounts" Accounts established by a public agency to hold and not invest public funds.

"Fund" One of the investment funds available to participants who invest in IPTIP.

"IPTIP" Illinois Public Treasurers' Investment Pool for the

NOTICE OF PROPOSED AMENDMENTS

Treasurer in the State of Illinois.

"Participant" Governmental officials who on behalf of units of local government or other public agencies file an application and deposit public funds in IPTIP.

"Public Agency" In the State of Illinois, the various counties, townships, cities, villages, school districts, special road districts, public water supply districts, fire protection districts, drainage districts, levy districts, sewer districts, housing authorities, the Illinois Bank Examiners Education Foundation, the Chicago Park District, and all other political corporations or subdivisions of the State of Illinois, specifically including any and all agencies of the State and any and all pension funds duly created and constituted under Illinois law, now or hereafter created, whether herein specifically mentioned or not.

"Public Funds" Current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to or in the custody of any public agency.

"Treasurer" The duly elected Treasurer of the State of Illinois.

(Source: Added at 17 Ill. Reg. _____, effective _____).

Section 740.10 Eligibility Requirements

- a) Funds so invested must be public funds invested by a public agency.
- b) Application form prescribed by the Treasurer must be completed and approved.

(Source: Amended at 17 Ill. Reg. _____, effective _____).

Section 740.20 Participation Requirements

- a) Prior day notification is required for deposit or withdrawal of funds. Any funds on deposit with IPTIP may be withdrawn if a withdrawal notification is received by the administrator by 11:00 a.m. on the day on which the funds are to be withdrawn. If the

NOTICE OF PROPOSED AMENDMENTS

withdrawal notification is received after 11:00 a.m., the funds will be available the next business day.

- b) Interest income will be computed daily and cash or wired funds received by 11:00 a.m. on any business day begin earning interest on that day. Checks representing good funds begin earning interest if received before 11:00 a.m. on that day or on the next business day after receipt. Interest income will be computed daily and reinvested in full or fractional units of the pool.

- c) Administrative fees will be charged to the participants. Such administrative fees will be determined by the Treasurer and paid from earnings of IPTIP, and interest earnings in excess of such expenses shall be credited or paid for from time-to-time when such surplus may be reasonably determined and declared to the custodians of public funds participating in IPTIP in a manner which equitably reflects the differing amounts of their respective investments in IPTIP and the differing periods of time for which such amounts were in the custody of IPTIP.

- d) Minimum time for participation is \$10,000 one (1) day and each deposit or withdrawal must be ~~in multiples of \$1,000~~ no less than One Dollar (\$1.00).

- e) Each Participating Treasurer participant will be permitted ~~only one investment account~~ to invest in any or all investment accounts.

- f) The Treasurer shall have the authority, and the participant will agree in the application, that the proceeds from any account that has been inactive for a period of one (1) year and during that period has not equalled or exceeded at any time \$1,000.00 may be returned to the participant listed in the application after notice of such pending action has been provided by mail to the participant.

(Source: Amended at 17 Ill. Reg. _____, effective _____).

Section 740.30 Custodial Account

- a) The custodian may establish custodial accounts if such

NOTICE OF PROPOSED AMENDMENTS

establishment is deemed to enhance the investment opportunities available to other custodians of public funds.

- b) The administrator shall determine the fees to be paid for the establishment of custodial accounts, and such fees shall be listed on the application for the establishment of a custodial account which must be completed by the public agency when establishing the account.

(Source: Added at 17 Ill. Reg. _____, effective _____).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
310. Appendix A Amended
Table M New
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)
- 5) Effective Date of Amendment: January 4, 1993
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
If "yes", please specify date:
- 7) Does this amendment contain incorporation by reference? No
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

These amendments do not contain any incorporations by reference.

- 8) Date filed in Agency's Principle Office: January 4, 1993
- 9) Notice of Proposal Published in Illinois Register:
August 28, 1992; Issue #35, 16 Ill. Reg. 13179
- 10) Has JCAR issued a Statement of Objections to this rule? No
If answer is "yes", please complete the following:
 - A) Statement of Objection: _____, Ill. Reg. _____
(Issue Date)
 - B) Agency Response: _____, Ill. Reg. _____
(Issue Date)
 - C) Date Agency Response Submitted for Approval to JCAR?
- 11) Difference between proposal and final version:

There were no changes made between the first proposal and final version.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R?

No changes were recommended.

13) Will these Amendments replace an emergency amendment currently in effect?

No.

14) Are there any amendments pending to this part? Yes

| Section Numbers | Proposed Action | Ill. Reg. Citation |
|-------------------------|-----------------|---|
| 310.290 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.450 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.455 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.470 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.530 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.540 | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.Appendix C | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.Appendix D | Amended | 16 Ill. Reg. 14001 (September 18, 1992) |
| 310.30 | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.40 | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.230 | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.270 | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.Appendix A, Table C | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.Appendix A, Table D | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.Appendix A, Table E | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |
| 310.Appendix A, Table F | Amended | 16 Ill. Reg. 18139 (December 4, 1992) |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 310.Appendix A, Table O Amended 16 Ill. Reg. 18139 (December 4, 1992)
- 310.Appendix A, Table P Amended 16 Ill. Reg. 18139 (December 4, 1992)
- 310.Appendix A, Table U Amended 16 Ill. Reg. 18139 (December 4, 1992)

15) Summary and Purpose of Amendment:

Included under Section 310. Appendix A, Table M, the agreement establishing the new Collective Bargaining Unit of RC-110 was made effective on June 1, 1992, which includes the titles of Conservation Police Officer I and II.

The salary scale for the positions covered by this agreement included an increase of 2.5% effective July 1, 1992, over the previous range under RC-029. The salary scale shall be increased by 2%, effective January 1, 1993, and 5%, effective July 1, 1993. Effective January 1, 1994, the salaries for the Conservation Police Officer I and II shall be as set forth and illustrated in the following text.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1993
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
EMERGENCY
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
EMERGENCY
310.455 Intermittent Merit Increase
EMERGENCY
310.456 Merit Zone
310.460 Other Pay Increases
310.470 Adjustment
EMERGENCY
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1992
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A
TABLE A

Negotiated Rates of Pay
HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
HR-200 (Department of Labor - Chicago, Illinois - SEIU)
RC-069 (Firefighters, AFSCME)
HR-001 (Teamsters Local #726)
RC-020 (Teamsters Local #330)
RC-019 (Teamsters Local #25)
RC-045 (Automotive Mechanics, ISEA)
RC-006 (Corrections Employees, AFSCME)
RC-009 (Institutional Employees, AFSCME)
RC-014 (Clerical Employees, AFSCME)
RC-023 (Registered Nurses, INA)
VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
RC-027-(Educators--AFSCME)-(Repealed)
RC-110 (Conservation Police Lodge)
RC-010 (Professional Legal Unit, AFSCME)
RC-02B (Paraprofessional Human Services Employees, AFSCME)
RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)

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| | |
|------------|--|
| TABLE Q | RC-033 (Meat Inspectors, ISEA) |
| TABLE R | RC-042 (Residual Maintenance Workers, AFSCME) |
| TABLE S | HR-012 (Fair Employment Practices Employees, SEIU) |
| TABLE T | HR-010 (Teachers of Deaf, IFT) |
| TABLE U | HR-010 (Teachers of Deaf, Extracurricular Paid Activities) |
| TABLE V | CU-500 (Corrections Meet and Confer Employees) |
| TABLE W | RC-062 (Technical Employees, AFSCME) |
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| APPENDIX B | Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1993 |
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| APPENDIX D | Merit Compensation System Salary Schedule for Fiscal Year 1993 |
| EMERGENCY | 1993 |
| APPENDIX E | Teaching Salary Schedule (Repealed) |
| APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed) |

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (111. Rev. Stat. 1991, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; emergency amendment at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

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14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 24, 1992, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993.

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NOTICE OF ADOPTED AMENDMENT

Section 310. TABLE M--RC-027--(Educators;--AFSCME)--(Repeated)

Section 310. Appendix A Negotiated Rates of Pay
TABLE M RC-110 (Conservation Police Lodge)

Effective July 1, 1992

| | S T E P S | | | | | |
|--------------------------------|-----------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| CONSERVATION POLICE OFFICER I | | 2216 | 2322 | 2429 | 2531 | 2634 |
| CONSERVATION POLICE OFFICER II | | 2335 | 2449 | 2563 | 2678 | 2789 |

LONGEVITY BONUS RATES

| | 10 Yrs | 15 Yrs | 17.5 Yrs | 20 Yrs | 25 Yrs |
|--------------------------------|--------|--------|----------|--------|--------|
| CONSERVATION POLICE OFFICER I | 3141 | 3296 | 3460 | 3636 | 3815 |
| CONSERVATION POLICE OFFICER II | 3229 | 3385 | 3549 | 3724 | 3906 |

Effective January 1, 1993

| | S T E P S | | | | | |
|--------------------------------|-----------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| CONSERVATION POLICE OFFICER I | | 2260 | 2368 | 2478 | 2582 | 2687 |
| CONSERVATION POLICE OFFICER II | | 2382 | 2498 | 2614 | 2732 | 2845 |

LONGEVITY BONUS RATES

| | 10 Yrs | 15 Yrs | 17.5 Yrs | 20 Yrs | 25 Yrs |
|--------------------------------|--------|--------|----------|--------|--------|
| CONSERVATION POLICE OFFICER I | 3204 | 3362 | 3529 | 3709 | 3891 |
| CONSERVATION POLICE OFFICER II | 3294 | 3453 | 3620 | 3798 | 3984 |

Effective July 1, 1993

| | S T E P S | | | | | |
|--------------------------------|-----------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| CONSERVATION POLICE OFFICER I | | 2373 | 2486 | 2602 | 2711 | 2821 |
| CONSERVATION POLICE OFFICER II | | 2501 | 2623 | 2745 | 2869 | 2987 |

LONGEVITY BONUS RATES

| | 10 Yrs | 15 Yrs | 17.5 Yrs | 20 Yrs | 25 Yrs |
|--------------------------------|--------|--------|----------|--------|--------|
| CONSERVATION POLICE OFFICER I | 3364 | 3530 | 3705 | 3894 | 4086 |
| CONSERVATION POLICE OFFICER II | 3459 | 3626 | 3801 | 3988 | 4183 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 1

3) Section Numbers: Adopted Action:

1.100 Amendment
1.350 Amendment
1.515 New Section
1.530 Amendment
1.610 Amendment
1.620 Amendment
1.630 Amendment

4) Statutory Authority: Implementing and authorized by Public Act 87-860.

5) Effective Date of Amendments: January 5, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the Amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: January 5, 1993

9) Notice of Proposal Published in Illinois Register:

August 21, 1992, 16 Ill. Reg. 12808

10) Has JCAR issued a Statement of Objections to the Amendments? No.

11) Differences between proposal and final version:

Section 1.530(q). In response to comments from the Department of Nuclear Safety, subsection (q) was added to recognize the exemption from bidding found in Section 6a(17) of the Purchasing Act.

Several minor editing changes were made, i.e., breaking paragraphs into subsections, making reference to "subsections" instead of "paragraphs", etc.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will the Amendments replace an emergency rule currently in effect? Yes.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

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NOTICE OF ADOPTED AMENDMENT

Effective January 1, 1994

| | | S T E P S | | | | | | |
|--------------------------------|----------|-----------|--------|----------|--------|------|------|------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| CONSERVATION POLICE OFFICER I | 2386 | 2506 | 2631 | 2762 | 2899 | 3044 | 3119 | |
| | 0000 | 0000 | 2756 | 2887 | 3024 | 3106 | 3290 | |
| LONGEVITY BONUS RATES | | | | | | | | |
| CONSERVATION POLICE OFFICER I | 17.5 Yrs | 20 Yrs | 21 Yrs | 22.5 Yrs | 25 Yrs | | | |
| | 3270 | 3432 | 3530 | 3705 | 3894 | 3894 | 4086 | |
| CONSERVATION POLICE OFFICER II | 17.5 Yrs | 20 Yrs | 21 Yrs | 22.5 Yrs | 25 Yrs | | | |
| | 3320 | 3482 | 3649 | 3824 | 4012 | 4062 | 4254 | 4458 |

(Source: Former Section repealed at 8 Ill. Reg. 11299, effective June 25, 1984; new rule adopted at 17 Ill. Reg. 590, effective January 4, 1993).

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The amendments provide more detail on delegation of procurements from CMS and modify bid limits to conform to Public Act 87-860.

16) Information and questions regarding the adopted amendments shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND
PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1
STANDARD PROCUREMENT
SUBPART A: GENERAL

Section
1.100 Authority
1.110 Policy
1.120 Applicability
1.130 Definitions

SUBPART B: APPROVAL OF PROCUREMENT RULES

Section
1.200 Approval Required
1.210 When Approved
1.220 Filing of Rules
1.230 Standard Form of Rules
1.240 Non-Standard Form of Rules
1.250 Length of Approval

SUBPART C: PROCUREMENT RESPONSIBILITY

Section
1.300 General
1.310 Department of Central Management Services
1.320 Department of Transportation
1.330 Capital Development Board
1.340 Procuring Agency Responsibility
1.350 Delegation of Procurement Authority

SUBPART D: SOURCES OF SUPPLY

Section
1.400 Open Source of Supply
1.410 Special Sources
1.420 Directed Source

SUBPART E: METHODS OF PROCUREMENT

Section
1.500 General
1.510 Competition Encouraged
1.515 Competitive Procurement and Procedure

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NOTICE OF ADOPTED AMENDMENTS

1.520 Source Selection
 1.530 Statutory Circumstances Allowing Negotiation
 1.540 Negotiation After Award
 1.550 Multiple Awards
 1.560 Pre-Emption

SUBPART F: PUBLICIZING PROCUREMENT ACTIONS

Section
 1.600 Official State Newspaper
 1.610 Advertising Required
 1.620 Re-Advertisement Required
 1.630 Direct Solicitation

SUBPART G: INVITATIONS FOR BID AND RESPONSE

Section
 1.700 Bid List
 1.710 Contents of Invitations for Bids
 1.720 Time and Place to Submit Bids
 1.730 Submission of Bids
 1.740 Change or Withdrawal of Bid
 1.750 Submission Binding
 1.760 Bid Reservations

SUBPART H: RESPONSIBILITY OF BIDDER

Section
 1.800 Bidder Must be Responsible
 1.810 Determination by Procuring Agency
 1.820 Proof of Responsibility
 1.830 Standards of Responsibility
 1.840 New Bidders

SUBPART I: BID AND PERFORMANCE SECURITY

Section
 1.900 Security Required
 1.910 Form of Security
 1.920 Amount
 1.930 Subsequent Requirement
 1.940 When Allowed or Required
 1.950 Annual Security
 1.960 Return of Security

SUBPART J: SPECIFICATIONS AND SAMPLES

Section
 1.1000 Specifications Required

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1.1010 Reference Specifications
 1.1020 Brand Name or Equal
 1.1030 Proven Products
 1.1040 State Required Samples
 1.1050 Representative Sample
 1.1060 Payment for Samples
 1.1070 Product Demonstration

SUBPART K: AWARD OF CONTRACT

Section
 1.1100 Bid Opening
 1.1110 Recording
 1.1120 Award
 1.1130 Alternate Bids
 1.1140 Supplementary Orders
 1.1150 Delay in Award
 1.1160 Cancellation of Invitation
 1.1170 Notice of Cancellation
 1.1180 Rejection of Individual Bids
 1.1190 Minor Irregularities or Irregularities in Bids
 1.1200 Time of Award
 1.1210 Binding Contract

SUBPART L: MISTAKES IN BIDS

Section
 1.1300 General
 1.1310 Apparent Clerical Mistake
 1.1320 Other Mistakes Disclosed Before Award
 1.1330 Disclosure of Mistakes After Award
 1.1340 Processing Mistakes
 1.1350 Procedural Error by State

SUBPART M: CONTRACT TERMS

Section
 1.1400 Terms and Conditions of Transactions
 1.1410 Amendments

SUBPART N: CONTRACT PERIOD AND FISCAL FUNDING

Section
 1.1500 Fiscal Year Contracting
 1.1510 Contracts Spanning Fiscal Years
 1.1520 Fiscal Funding Termination Policy
 1.1530 Preference in Funding
 1.1540 Notice of Failure of Funding

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SUBPART O: CONTRACT PRICING AND FINANCING

Section
 1.1600 Allowable Price Structure
 1.1610 Firm Pricing
 1.1620 All Costs Included
 1.1630 Maximum Price for Printing
 1.1640 Contract Financing
 1.1650 Prevailing Wage Required

SUBPART P: PERFORMANCE

Section
 1.1700 Full Compliance
 1.1710 Deliveries
 1.1720 Inspection
 1.1730 Assignments by Successful Bidder
 1.1740 Submission of Invoice Vouchers

SUBPART Q: VENDOR COMPLAINTS

Section
 1.1800 Performance Monitoring
 1.1810 Initial Complaint
 1.1820 Written Complaint
 1.1830 Complaints to be Filed
 1.1840 Prompt Action Essential
 1.1850 Grounds for Complaint
 1.1860 Action by Receiving Agency

SUBPART R: TERMINATION OR RESCISSION OF CONTRACT BY STATE

Section
 1.1900 Cancellation for Breach of Contract
 1.1910 Cancellation for Fraud, Collusion, Illegality, Etc.
 1.1920 Withholding Monies to Compensate State for Damages
 1.1930 Damages

SUBPART S: SUSPENSION AND DEBARMENT

Section
 1.2000 Suspension
 1.2010 Terms of Suspension
 1.2020 Causes for Suspension
 1.2030 Debarment
 1.2040 Ineligible List

SUBPART T: PROTEST OR OBJECTIONS

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Section
 1.2100 General
 1.2110 Time and Place for Protest or Objections
 1.2120 Suspension of Award
 1.2130 Evaluation of Protest or Objection
 1.2140 Additional Administrative Remedies

SUBPART U: SOCIOECONOMIC PROGRAMS

Section
 1.2200 General
 1.2210 Small Business
 1.2215 Minority and Female-Owned Business
 1.2220 Criteria for Small Business (Recodified)
 1.2225 Sheltered Workshops for the Disabled
 1.2230 Required Use (Recodified)
 1.2240 Withdrawal of Set-Aside (Recodified)
 1.2250 Small Construction Business Advance Payment Set-Aside (Repeated)

SUBPART V: JOINT PROCUREMENT AGREEMENTS

Section
 1.2300 General
 1.2310 State Use of Other Contracts
 1.2320 Use of State Contracts
 1.2330 No Agency Relationship
 1.2340 Obligations of Participating Governmental Units
 1.2350 Centralized Contracts - Estimated Quantities
 1.2360 Centralized Contracts - Definite Quantities

SUBPART W: MISCELLANEOUS

Section
 1.2400 Inspection and Audits
 1.2410 No Rights Conferred
 1.2420 Government Furnished Property
 1.2430 Attempt to Influence Award
 1.2440 Collusive Bids
 1.2450 Identical Bids
 1.2460 Proprietary Information
 1.2470 Severability

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.1 et seq.); Illinois Small Business Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.21, et seq.); the State Paper Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.101, et seq.); State Printing Contracts Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.201, et seq.); the Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.601 et seq.).

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SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982, amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993.

Note: Statutory language is denoted by capital letters.

SUBPART A: GENERAL

Section 1.100 Authority

This Part is promulgated in accordance with Section 5 of the Illinois Purchasing Act (Ill. Rev. Stat. 1982-Supp. 1991, ch. 127, par. 132.5), Section 3 of the State Printing Contracts Act (Ill. Rev. Stat. 1984 1991, ch. 127, par. 132.203), Section 67.01 of the Civil Administrative Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b.13.1), and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1984 1991, ch. 127, pars. 1001 et seq.).

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.350 Delegation of Procurement Authority

- a) An agency with primary procurement responsibility may delegate procurement authority to any state agency in any reasonable manner if necessary or desirable. Such delegation shall require compliance with applicable procurement statutes and rules. An agency delegated procurement authority may not sub-delegate that authority without first obtaining approval of the agency with primary procurement responsibility. If any private entity is involved in the process, writing specifications, evaluating bids or for any other reason the private entity's role shall be advisory only. All final decision shall rest with the procuring agency.
- b) The Department of Central Management Services delegates to each agency responsibility for procurements in emergency situations. The agency shall, to the extent practicable, obtain needs in the most competitive manner possible.
- c) The Department of Central Management Services delegates to each agency responsibility for obtaining goods or services available from the Department of Corrections' Correctional Industries program.

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- d) The Department of Central Management Services delegates to each agency responsibility for obtaining commodities, equipment, supplies and utilities for their own use up to and including \$25,000 for single items, and up to and including \$50,000 for multiple items provided no single item exceeds \$25,000.
- 1) For delegated procurements under \$5,000, agencies shall use their discretion to determine whether to seek competition. CMS will issue blanket authorizations and establish obligations with the Comptroller.
- 2) For delegated procurements between \$5,000 and \$50,000, agencies shall, whenever practicable, contact at least three vendors from the CMS vendor list, provide them with the same information regarding the agency's needs and any conditions that must be observed and accept the lowest price provided the offering meets the agency's needs and conditions. If vendors not on the CMS vendor list are solicited, the agency must pre-qualify that vendor by having the vendor submit a CMS Bidder's Application Form with the vendor's offer. Agencies must submit requisitions for such procurements and CMS will issue authorizations back to the agency. CMS will establish obligations with the Comptroller.
- 3) For all delegated procurements, the agency must keep adequate records of the actions taken to procure the goods and must report on such activities using the form prescribed by CMS. This form will require agencies to identify the item procured, the competitive steps taken, the names of the vendors contacted, the prices each submitted, the name of the selected vendor and other such information.
- 4) Dividing or planning procurements to avoid use of competitive procedures ("stringing") is prohibited.
- 5) This delegation does not include items for which CMS establishes master schedule or open-ended contracts, nor does it include items available from the Office Supply Warehouse (Springfield and Chicago area agencies only), nor does it include procurement of electronic data processing equipment, telecommunications equipment, vehicles, paper or stationery. All such items must be procured by CMS and all agencies must use such contracts established by CMS.
- e) Delegation may be revoked or reduced at any time.

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.515 Competitive Procurement and Procedure

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- a) A competitive procurement is one in which more than one potential vendor is contacted, given information describing the agency's needs and any conditions that must be observed and asked to respond with a priced quotation to meet those needs and conditions. Such information would be evaluated with the intent of selecting the vendor whose goods or services best meet the needs of the State, price and other factors being considered.
- b) Except for those procurements identified in Section 1.530 which are exempt from the use of competitive procurement procedures, awards are to be made to the lowest responsible bidder meeting needs and conditions.
- c) Any of the procedures described in Section 1.520, except negotiation with one vendor, are considered competitive procedures and may be used to conduct competitive procurements.

(Source: Added at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.530 Statutory Circumstances Allowing Negotiation

Negotiation is authorized by law in any of the following circumstances:

- a) WHERE THE GOODS OR SERVICES TO BE PROCURED ARE ECONOMICALLY PROCURABLE FROM ONLY ONE SOURCE, SUCH AS CONTRACTS FOR LOCAL EXCHANGE TELEPHONE SERVICE, ELECTRICAL ENERGY, AND OTHER PUBLIC UTILITY SERVICES, BOOKS, PAMPHLETS AND PERIODICALS, AND SPECIALLY DESIGNED BUSINESS AND RESEARCH EQUIPMENT AND RELATED SUPPLIES.
- 1) The items listed above are examples of single source items and are not intended to be exhaustive.
 - 2) If a specific item is unique and necessary it may be a single source item even though many similar items exist. Research and breeding livestock, for example, are individually unique and may be procured under this exception to bidding.
- b) WHERE THE SERVICES REQUIRED ARE FOR PROFESSIONAL OR ARTISTIC SKILLS PURSUANT TO A WRITTEN CONTRACT.
- 1) Professional or artistic services may be defined as services rendered by an individual or firm contractually hired by an agency because of their expertise in a given field. An essential element is trust in the ability and talent of the person performing the services. Contracts for manual skills are not included.
 - 2) Examples of professional or artistic services are set forth in the Comptroller's CUSAS manual.

- c) IN EMERGENCIES INVOLVING PUBLIC HEALTH, PUBLIC SAFETY, OR WHERE IMMEDIATE EXPENDITURE IS NECESSARY FOR REPAIRS TO STATE PROPERTY IN ORDER TO PROTECT AGAINST FURTHER LOSS OF OR DAMAGE TO STATE PROPERTY, TO PREVENT OR MINIMIZE SERIOUS DISRUPTION IN STATE SERVICES OR TO INSURE THE INTEGRITY OF STATE RECORDS. Where funds are expended in an emergency by purchase, contract or otherwise, however, the person or persons authorizing the expenditure shall file an affidavit with the Auditor General of the State of Illinois within 10 days after the purchase or contract setting forth: The amount expended, the name of the vendor or contractor involved, and the conditions and circumstances requiring the emergency purchase. Where only an estimate of the cost is available within 10 days after the purchase or contract, the actual cost must be reported immediately after it is determined. The Auditor General shall file with the Legislative Audit Commission and the Governor at the end of each fiscal quarter a complete listing of all emergency purchases and contracts reported to him during that fiscal quarter. The Legislative Audit Commission shall make a thorough review of emergency purchases so reported and in its annual reports advise the General Assembly of any such transactions that appear to constitute an abuse of this section of the Purchasing Act. To the extent practicable emergency procurements should only be made for requirements during the emergency and only continue until such time as a competitive bid or proposal, if otherwise required, can be made.

- d) IN CASE OF EXPENDITURES FOR PERSONAL SERVICES PAID TO EMPLOYEES OR OFFICERS OF A STATE AGENCY. AS USED IN THIS PARAGRAPH, "PERSONAL SERVICES" HAS THE MEANING ASCRIBED TO THAT TERM IN SECTION 14 OF "AN ACT IN RELATION TO STATE FINANCE", APPROVED JUNE 10, 1949, AS AMENDED THE STATE FINANCE ACT.

- 1) Services rendered by an individual as an employee of an agency and not as an independent contractor, whether paid from Personal Service or Contractual line item, are exempt from bidding.
 - 2) Services rendered by an employee of a temporary help or employment agency must be secured by competitive bid or proposal unless subsection (f) below is complied with.
- e) CONTRACTS FOR REPAIRS, MAINTENANCE, REMODELING, RENOVATION, OR CONSTRUCTION OF A SINGLE PROJECT INVOLVING AN EXPENDITURE NOT TO EXCEED \$10,000 AND NOT INVOLVING A CHANGE OR INCREASE IN THE SIZE, TYPE OR EXTENT OF AN EXISTING FACILITY. WHERE AN EXPENDITURE OF MORE THAN \$5,000 BUT NOT EXCEEDING \$10,000 IS INVOLVED, HOWEVER, THE WORK SHALL BE ADVERTISED FOR BIDS IN A LOCAL NEWSPAPER BY THE USING AGENCY IN AN EFFORT TO OBTAIN COMPETITIVE BIDS BASED ON A STANDARD SPECIFICATION ACCEPTABLE TO THE AUTHORIZING AGENCY. THE CONTRACT SHALL BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER CONSIDERING CONFORMITY WITH SPECIFICATIONS, TERMS OF DELIVERY, QUALITY AND SERVICEABILITY.

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f) CONTRACTS FOR REPAIRS, MAINTENANCE, OR ANY OTHER SERVICES NOT SPECIFICALLY EXEMPT FROM BIDDING BY A COMPETITIVE SELECTION PROCEDURE UNDER THIS ACT WHERE EXPENDITURES FOR SUCH SERVICES DO NOT EXCEED \$5,000 FOR THE SAME TYPE OF SERVICE AT THE SAME LOCATION FOR THE SAME AGENCY DURING ANY FISCAL YEAR, PROVIDED THAT WHERE A STATE AGENCY OCCUPIES MORE THAN ONE LOCATION WITHIN ANY SINGLE COUNTY THE \$5,000 LIMITATION OF THIS PARAGRAPH SHALL APPLY IN THE AGGREGATE TO ALL THE LOCATIONS WITHIN SUCH COUNTY. INDIVIDUAL ORDERS ARE LESS THAN \$25,000.

1) Services under this paragraph subsection are to be contracted for in the manner and scope common in the trade or industry. Services are not to be divided into segments for the purpose of avoiding this paragraph.

2) Printing contracts may not be procured under this exception.

All printing must be procured under sealed bid or sealed proposal except as provided in subsection 1.530 (c) above.

g) PURCHASES OF COMMODITIES AND EQUIPMENT WHERE INDIVIDUAL ORDERS ARE LESS THAN \$5,000 IN ACCORDANCE WITH RULES AND REGULATIONS REQUIRED BY SECTION 5 OF THE ILLINOIS PURCHASING ACT \$25,000. Purchases are not to be divided or planned so as to avoid bidding competitive selection.

h) CONTRACTS FOR THE MAINTENANCE OR SERVICING OF, OR PROVISION OF REPAIR PARTS FOR EQUIPMENT WHICH ARE MADE WITH THE MANUFACTURERS OR AUTHORIZED SERVICE AGENT OF THAT EQUIPMENT WHERE THE PROVISION OF PARTS, THAT MAINTENANCE OR SERVICING CAN BEST BE PERFORMED BY THE MANUFACTURER OR AUTHORIZED SERVICE AGENT ON SUCH A CONTRACT WOULD OTHERWISE BE ADVANTAGEOUS TO THE STATE. However, this exception is not available for plumbing, heating, piping, refrigeration and automatic temperature control systems (including testing and balancing), ventilating and distribution systems for conditioned air (including testing and balancing), electric wiring services or repairs in connection with construction where an estimated \$25,000 or more to be spent for construction of buildings or other construction in or around buildings or grounds and general contract work.

i) WHERE THE GOODS OR SERVICES ARE PROCURED FROM ANOTHER GOVERNMENTAL AGENCY. This exception allows procurements from federal, State and local governmental units.

j) PURCHASES AND CONTRACTS FOR THE USE OR PURCHASE, DELIVERY, MOVEMENT OR INSTALLATION OF DATA PROCESSING EQUIPMENT, SOFTWARE OR SERVICES AND TELECOMMUNICATIONS AND INTER-CONNECT EQUIPMENT, SOFTWARE AND SERVICES.

1) All such acquisitions shall be determined to meet the State's needs and provide the best value for the specific application.

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2) For acquisition made by or through DCMS, initial determination may be delegated to the ordering agency for approval by DCMS.

k) PERSONAL SERVICE CONTRACTS MADE BY MEMBERS, OFFICERS, COMMITTEES, OR COMMISSIONS OF THE GENERAL ASSEMBLY.

1) ANY CONTRACT FOR DUPLICATING MACHINES AND SUPPLIES.

m) CONTRACTS FOR GOODS OR SERVICES PROCURED FROM WORKSHOPS FOR THE DISABLED THAT HAVE BEEN QUALIFIED TO DO BUSINESS BY DCMS. DCMS MUST APPROVE SUCH CONTRACTS TO ENSURE REASONABLENESS OF PRICE AS DETERMINED BY SECTION 1.2225(d) OF THIS PART.

n) PURCHASES OF AND CONTRACTS FOR OFFICE EQUIPMENT AND ASSOCIATED SUPPLIES WHEN SUCH CONTRACTS PROVIDE FOR PRICES THAT ARE EQUAL TO OR LOWER THAN FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACTS AND WHEN SUCH CONTRACTS OR PRICING RESULT IN ECONOMICAL ADVANTAGE TO THE STATE.

o) PURCHASES AND CONTRACTS BY THE DEPARTMENT OF STATE POLICE FOR THE USE, PURCHASE OR INSTALLATION OF FORENSIC SCIENCE LABORATORY ANALYTICAL EQUIPMENT AND ANALYTICAL DATA PROCESSING EQUIPMENT USED FOR FORENSIC SCIENCE LABORATORY PURPOSES ONLY, INCLUDING EQUIPMENT WHICH IS MICROPROCESSOR CONTROLLED OR CONTROLLABLE, AND ITS SOFTWARE. PRIOR TO THE PURCHASE OF OR CONTRACT FOR SUCH EQUIPMENT, THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL CERTIFY TO THE COMPTROLLER AND THE AUDITOR GENERAL THAT SUCH EQUIPMENT IS NECESSARY AND AN INTEGRAL COMPONENT OF THE DEPARTMENT OF STATE POLICE'S STATUTORY INVESTIGATORY DUTIES AND THAT COMPETITIVE BIDDING WILL HAMPER SUCH STATUTORY DUTIES. SUCH CERTIFICATION SHALL INCLUDE THE PRICES OF AND SPECIFICATIONS OF THE EQUIPMENT TO BE PURCHASED OR CONTRACTED FOR AND THE PRICES, SPECIFICATIONS AND REASONS FOR REJECTION OF COMPARATIVE EQUIPMENT BY THE DEPARTMENT OF STATE POLICE. THE COMPTROLLER SHALL FILE SUCH CERTIFICATION WITH ANY PURCHASE VOUCHERS OR FILES MAINTAINED FOR THE PURCHASE. THE AUDITOR GENERAL SHALL REQUIRE SUCH CERTIFICATION TO BE NOTED IN AUDITS PERFORMED AT HIS DIRECTION.

p) ANY CONTRACT FOR STATE LOTTERY TICKETS OR SHARES OR FOR OTHER STATE LOTTERY GAME RELATED SERVICES.

q) PURCHASES AND CONTRACTS BY THE DEPARTMENT OF NUCLEAR SAFETY FOR THE USE, PURCHASE OR INSTALLATION OF RADIOCHEMISTRY LABORATORY EQUIPMENT, INSTRUMENTS AND EQUIPMENT USED TO DETECT RADIATION OR RADIOACTIVITY, AND DATA PROCESSING EQUIPMENT USED FOR PURPOSES OF DETECTING RADIATION OR RADIOACTIVITY. PRIOR TO THE PURCHASE OF OR CONTRACT FOR SUCH EQUIPMENT, THE DIRECTOR OF THE DEPARTMENT OF NUCLEAR SAFETY SHALL CERTIFY TO THE COMPTROLLER THAT SUCH EQUIPMENT IS NECESSARY AND AN INTEGRAL COMPONENT OF THE DEPARTMENT OF NUCLEAR SAFETY'S EMERGENCY RESPONSE OR RADIATION MONITORING PROGRAMS AND THAT COMPETITIVE

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BIDDING WILL HAMPER SUCH PROGRAMS. SUCH CERTIFICATION SHALL INCLUDE THE PRICES OF AND SPECIFICATIONS OF THE EQUIPMENT TO BE PURCHASED OR CONTRACTED FOR AND THE PRICES, SPECIFICATIONS AND REASONS FOR REJECTION OF COMPARABLE EQUIPMENT BY THE DEPARTMENT OF NUCLEAR SAFETY. THE COMPTROLLER SHALL FILE SUCH CERTIFICATION WITH ANY PURCHASE VOUCHERS OR FILES MAINTAINED FOR THE PURCHASE.

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.610 Advertising Required

All State procurement actions, unless exempted from the bidding requirements by the Illinois Purchasing Act or other law, must be advertised in the Official State Newspaper. It is recommended that Advertisements for specific needs must appear at least three times with the first and last ad at least 10 days apart. Advertisements may detail the State's needs or may generally indicate needs while inviting vendors to request invitations for bids. Agencies with delegated authority from CMS may solicit vendors directly from the CMS vendor list and need not advertise. CMS shall solicit vendors to apply for the list by means of advertising in the Official State Newspaper.

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.620 Re-Advertisement Required

When a procurement is advertised and the ad contains errors.

Readvertisement is required:

- a) If all bids are rejected in a situation that originally required advertising, then the procurement, except in an emergency, must be advertised in the same manner as the original advertisement.
- b) If necessary, a single corrective ad may be placed to indicate additional information required for bidding or to extend time for bidding but is not required if all those requesting invitations for bids or who were directly solicited are notified.

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

Section 1.630 Direct Solicitation

In addition to advertising, or in lieu of advertising where advertising is not required, prospective vendors may be contacted directly. Direct solicitation may be in writing setting forth all particulars of the procurement action. Oral solicitation is permitted but care should be taken to ensure that all vendors solicited in this manner receive the same information. Written confirmation from vendors may be required.

(Source: Amended at 17 Ill. Reg. 600, effective January 5, 1993)

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- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties

- 2) Code Citation: 56 Ill. Adm. Code 2765

- 3) Section Number: Adopted Action:
 2765.328 Amended Section
 2765.329 New Section
 2765.330 New Section
 2765.333 Amended Section
 2765.334 Amended Section
 2765.335 Amended Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611 and 750, as amended by P.A. 87-1178, effective September 22, 1992.

- 5) Effective Date of the Amendment: January 4, 1993

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this Rule contain an incorporation by reference? No.

- 8) Date filed in Agency's Principal Office: December 28, 1992.

- 9) Notice of Proposal published in Illinois Register: October 16, 1992 at 16 Ill. Reg. 15638.

- 10) Has JCAR issued a Statement of Objection to these Rules? No.

- 11) Difference between proposal and final version: In Section 2765.329(a) (10), the last sentence is deleted; in subsection (c) (1), January 24 is changed to January 17; in subsection (c) (2), January 23 is changed to March 6 in both places. In Section 2765.330, "occur on or" is changed to "begin". In Section 2765.333(a), "If a prior employer meets the requirements of this Subpart and Section 1502.1 of the Act, it would be the chargeable employer. If no prior employer meets these requirements, then the charges will be pooled." is deleted; in subsection (e), the reference to Section 1502.1A(3)(a) (5) is changed to a reference to Section 1502.1A(3)(a) (i) (5).

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: These adopted amendments set forth the Director's interpretation of how the recent amendments to Section 1502.1 of the Unemployment Insurance Act with respect to the moveable, chargeable employer, charges to an employer for an individual who was separated from work due to his incarceration and non-charging for certain second benefit year claims are to be applied. These amendments also indicate when each of these changes become effective.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:
- Gregory J. Rameil, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendments begin on the next page:

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| SUBPART A: GENERAL PROVISIONS | |
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| 2765.5 | Definitions |
| 2765.10 | Payment Of Contributions |
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| 2765.18 | Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller Or Transferor Contributions Of Employers By Election |
| 2765.20 | Payments In Lieu Of Contributions |
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| 2765.55 | Payment Or Filing By Mail |
| 2765.60 | When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate |
| 2765.63 | Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And Contributions Paid By Its Client |
| 2765.64 | Waiver Of Interest Or Penalty |
| 2765.65 | Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988 |
| 2765.66 | Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State |
| 2765.67 | Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports |
| 2765.68 | Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions |
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| 2765.74 | Application For Waiver |
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2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession

2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record

2765.220 Determination Of Benefit Wage And Benefit Ratio

2765.225 Requirement For Privy In Order To Have A Predecessor Successor Relationship

2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist

2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.328 What Constitutes A Day For Purposes Of The "30 Day"

Requirement In Section 1502.1 Of The Act

2765.329 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993

2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration

2765.332 Effect Of Ineligibility Under Section 602 (B) On Chargeability Under Section 1502.1 Of The Act

2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act

2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act

2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600 of the Unemployment Insurance Act, as amended by P. A. 87-1178, effective September 22, 1992 (Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611, 681, 681.1 and 750).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982;

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amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 11. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11422, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992, 1992; 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 61, effective January 4, 1993.

SUBPART A: GENERAL PROVISIONS

Section 2765.328

What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act

a) The 30 day requirement, set forth in Section 2765.325, shall include any day on which any services are actually performed for the employer by the individual prior to the date of separation. The 30 day requirement, set forth in Section 2765.329, shall include any day on which any services are actually performed for the employer by the individual prior to the first of the week (Sunday) with respect to which the chargeable employer is being determined. If a shift covers two calendar days, only one day shall be included in determining whether the 30 day requirement has been met. The day included is the one on which the individual's shift begins. Paid sick days, vacation days, holidays or other similar paid, non-working days (e.g. "show-up" or stand-by pay days) shall not be counted toward meeting the 30 day requirement. Payments for wages in lieu of notice, pension or other retirement type payments or for severance pay also do not meet the requirements of this Section.

1) Example: The individual works a shift which begins at 10 pm on Monday and ends at 7 am on Tuesday. While this individual performs services for the employer on two calendar days, for the purpose of determining whether the 30 day requirement set

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forth in Section 1502.1 of the Act has been met, the individual's shift counts as only one day of service, Monday.

- 2) Example: The individual begins his shift at noon but becomes ill fifteen minutes later. Since the individual performed services for the employer for fifteen minutes, one day is counted toward meeting the 30 day requirement.
- 3) Example: The individual is scheduled to work on a certain day but fails to report for work because he is ill. Even if the employer provides paid sick leave to the individual for that day, it will not be counted toward the 30 day requirement.
- 4) Example: The individual receives paid sick leave from Company A, a nonprofit corporation, which elects to make payments in lieu of contributions, for 35 days during his base period. He has no other employment with Company A during his base period. He also performs services during his base period for Company B, a liable, contributing employer. After being laid off by Company B, he returns to Company A for 30 days before being again laid off. Company A will be liable for an amount equal to 100% of the benefits paid to this individual as payments in lieu of contributions. This is because Company A is the last employer of this individual; the 30 day requirement is met by the individual's employment; and the paid sick leave constitutes wages for insured work paid during the individual's base period.

- 5) Example: Upon the permanent layoff of an individual, the employer pays that individual for any unused, accrued vacation time that the individual is due and grants him severance pay in the amount of one day's pay for each year of continuous service. These payments are not included for the purpose of determining whether this employer has met the 30 day requirement.

- 6) Example: The individual works a four day work week, that is, instead of working eight hours per day, five days per week, he works ten hours per day, four days per week. Even if the individual's ten hour shift extends over two calendar days, each

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shift still counts as only one day, and this individual will have worked only four days in a normal work week.

- 7) Example: The individual had filed a new benefit year claim, effective January 10, 1993. He then works on Thursday, January 21, 1993, Friday, January 22, 1993, Saturday, January 23, 1993, and Sunday, January 24, 1993, for Company A before being laid off for lack of work. He files a claim for and is paid benefits for the week ending January 30, 1993. In determining the chargeable employer for that week, Sunday, January 24, 1993, is not counted in determining if this individual performed services for Company A for 30 days. This is because Sunday, January 24, 1993, does not occur prior to the beginning of the week with respect to which a chargeable employer is being determined. Overtime work or working additional shifts shall not be included in determining whether the 30 day requirement has been met unless there is at least 6 hours between the beginning of the overtime work or the additional shift and the end of the prior shift and the overtime work or additional shift does not occur on a day which will otherwise be included in meeting the 30 day requirement.

- 1) Example: The individual's normal shift ends at 3 am, and he is asked to work the next shift which begins at 4 am. Even if he works both shifts, only one day will be counted toward meeting the 30 day requirement since there is not at least 6 hours between the shifts.

- 2) Example: The individual's shift ends at 3 am on Saturday, and he is asked to return to work for an additional overtime shift from 9 am until 2 pm. He must then return to work at 7 pm to work his regular shift. This overtime work does not count as an additional day toward meeting the 30 day requirement because his regular shift begins that same day and would already be included in meeting the 30 day requirement.

- 3) Example: The individual's normal shift begins at 3 pm and ends at 11 pm. However, he is required to work four hours of overtime every day so that he does not complete his shift until 3 am. This

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shift still counts as only one day toward the 30 day requirement.

(Source: Amended at 17 Ill. Reg. 614, effective January 4, 1993)

Section 2765.329

Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993

- a) Effective with benefit years beginning on or after January 1, 1993, except as provided in the other subsections of this Section and in Sections 2765.326, 2765.330, 2765.332, 2765.333 and 2765.334, the last employer, prior to the beginning of each week claimed by the individual, for whom the individual provided services during at least 30 days beginning with the first day of the individual's base period (which is defined at Section 237 of the Act) but prior to the beginning of the week claimed shall be liable for the benefit charges or payments in lieu of contributions, as the case may be, which result from any benefits paid to that individual for that week of unemployment. Unless stated to the contrary, each of the examples in this Section assumes a benefit year beginning date on or after January 1, 1993.

- 1) Example: Prior to the beginning of the week beginning on January 24, 1993, the individual provides services only to Company A, a liable, contributing employer, for over ten years. Company A is this individual's chargeable employer with respect to this individual for the week ending January 30, 1993 because Company A is the individual's last employer of at least 30 days prior to the beginning of the week beginning on January 24, 1993. If, after claiming benefits for a few weeks, this individual provides services to Company B, a liable, contributing employer, for six months, is laid off by Company B and files an additional claim, Company B will be the chargeable employer of this individual with respect to any benefit charges which might accrue with respect to weeks which are paid to the individual after the effective date of the additional claim.

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2)

Example: Immediately prior to filing his claim for unemployment benefits for the week beginning on January 24, 1993, the individual provides services to Company A, a liable, contributing employer, for 20 days. Prior to this period, he provides services to Company B, a liable, contributing employer, for 30 days. Prior to working for Company B and throughout his base period, the individual has provided at least 10 days of service to Company A. Company A is the chargeable employer and is liable for any benefit charges which might accrue as a result of any benefits paid to this individual for the week ending January 30, 1993. Company A is the individual's last employer prior to the beginning of the week beginning on January 24, 1993 because he provided services to Company A during at least 30 days during the period from the beginning of his base period to the beginning of the week beginning on January 24, 1993. Pursuant to Section 1502.1 of the Act, it is not necessary for the 30 days of services by the individual to be consecutive.

3)

Example: The individual is employed on an as-needed basis (some weeks the individual might work four days, other weeks he might not work at all) for Company A, a liable, contributing employer. While so employed by Company A, the individual is also employed on a full time basis for Company B, a liable, contributing employer. The individual is laid off by Company B and is offered two days of work by Company A. After working for these two days, no other work is currently available with Company A, and the individual files a claim for benefits for the week ending January 23, 1993. If the individual has provided services to Company A for at least 30 days since the beginning of his base period, Company A will be liable for any benefit charges which might accrue as a result of any benefits which might be paid to this individual for this week. This is because, despite the individual's full time employment with Company B, the individual's last employer for whom he provided services of at least 30 days during the applicable period was Company A, and it was his separation from Company A that caused the individual to become "unemployed."

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4)

Example: Assume the same facts as in subsection (a)(3), except that, instead of being an as-needed employee, the individual continues to provide less than full time services to Company A and earns less than his weekly benefit amount. In that case, Section 2765.326 shall apply, and Company B will be the chargeable employer because it caused this individual to become unemployed as defined in Section 239 of the Act.

5)

Example: The individual is a substitute teacher. Whenever he is available to teach, he calls in for assignments with his school district, a local governmental entity which has elected to make payments in lieu of contributions. During the first semester of the school year, he teaches only 32 days. He, however, did not work for the school district during his base period. If he now files a claim for benefits, his school district will be liable for 50% of any payments in lieu of contributions which would result if he would be paid benefits. This is because, despite his services being performed over a five month period, the school district is the last employer prior to the first day of the week with respect to which he is claiming benefits and he has performed the required 30 days of services during the applicable period. The employer is only liable for 50% of the amount of the benefits paid because the individual performed no services for this employer during his base period (see Section 1405(B) of the Act).

6)

Example: The individual performed services for 25 days during his base period for City A, a local governmental entity which has elected to make payments in lieu of contributions. He then performs services for Company B, a liable, contributing employer, for approximately ten months. After being laid off by Company B, he is again employed by City A which then lays him off after he has performed services five days. City A will be liable for payments in lieu of contributions equal to 100% of the benefits paid to this individual. This is because City A is the individual's last employer prior to the first day of the week with respect to which the

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individual claimed benefits, and this individual performed services for at least 30 days beginning with the start of his base period and prior to the beginning of the week with respect to which the individual claimed benefits. City A is liable for 100% of the benefits paid because, in addition to being the chargeable employer as provided in this subsection, the individual also provided services for this employer during his base period. If this employer had met the requirements to be the chargeable employer but this individual had not provided services to this employer during his base period, then this employer would have been liable for only 50% of the payments in lieu of contributions made to this individual as in subsection (a)(5). Should this individual return to work for Company B and again become eligible for benefits, Company B would be the chargeable employer with respect to any weeks which occur after this subsequent separation.

7)

Example: The individual is employed by several different employers from the beginning of his base period until the beginning of the first week with respect to which he claims benefits. However, he does not perform services for at least 30 days for any single employer during this period. Therefore, there is no chargeable employer for that week or for any subsequent weeks, and no employer will be liable for either the benefit charges or payments in lieu of contributions as a result of payments made to this individual until such time as the claimant has performed services for an employer for at least 30 days.

8)

Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he performs services for at least 30 days for the State of Illinois, which makes payments in lieu of contributions pursuant to Section 1403 of the Act. If this individual files a claim for benefits, the State of Illinois will be liable for an amount equal to 50% of the benefits paid to this individual since the State of Illinois is the chargeable employer but not a base period employer.

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2)

Example: An individual files a claim with a benefit year which begins on December 1, 1992. Company A is determined to be the chargeable employer with respect to this claim. The individual returns to work on January 5, 1993, and performs services for 30 days for Company B before being laid off and filing an additional claim. Despite having worked for Company B for 30 days, Company A remains the chargeable employer in this case because the benefit year began prior to January 1, 1993.

10)

An individual is laid off of work by Company A and files a new claim, effective January 24, 1993. Company A is found to be the chargeable employer. Thereafter, the individual obtains a part time job with Company B and works four days each week. However, she never earns over her weekly benefit amount in any week. Even after working for Company B for more than 30 days, Company A remains the chargeable employer. This is because Company B has not separated this individual nor caused her to become unemployed as a result of a reduction of the work offered, as required by Section 1502.1.

11)

An individual is employed by Easy Living Realty as a secretary for 45 days during his base period. He leaves Easy Living Realty and obtains work as a secretary for Victorian Realty for 10 days. He is then promoted to being a real estate salesman, paid solely by commission. After working as salesman for several months, he is laid off from this job. He then files a claim for benefits. Easy Living Realty is the chargeable employer in this case. The time that this individual spent as a real estate salesman for Victorian Realty is not included in determining whether he was employed for 30 days for that employer because such services do not constitute employment under the Act.

12)

An individual is employed by Company A for 29 days before being laid off from his job. He then files an unemployment insurance claim with a benefit year beginning date of January 24,

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1993. On February 15, 1993, this individual returns to work for Company A and works only one day. For any weeks beginning after February 15, Company A meets the requirements to be the chargeable employer.

If, with respect to a week, the last organization or person for whom the individual provided at least 30 days of service is not an employer, as defined by Section 205 of the Act, then no employer shall be the chargeable employer for that week, and any benefit charges or payments in lieu of contributions which accrue as a result of benefits paid to the individual for that week shall not become the benefit charges or the amounts due of any employer. Whether the last organization or person for whom the individual provided at least 30 days of service is an employer, as defined by Section 205 of the Act, is determined as of the last day of the week for which the claim is made and is unaffected by a later determination of liability based on events which occur after that week. However, if it is later determined that the organization or person has become an employer under the Act, the organization or person can be the chargeable employer for any weeks occurring after the date on which the organization or person became liable.

1)

Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. He then leaves Illinois and performs services in California for at least 30 days for an organization which is not liable under the Act. If this individual is laid off from his California job and files a claim against Illinois based on his Illinois base period wages, no employer shall be liable for any benefit charges for any benefit payments made to this individual with respect to weeks for which the California organization was the last entity to employ the individual. This is because the California organization is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section. However, if this individual would return to work for Company A and then again become eligible for benefits, Company A would be the chargeable employer with respect to any weeks which occur after this later separation from Company A.

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2)

Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he performs services for at least 30 days for the U. S. Postal Service, which is not an employer under the Act and for which reimbursement for any benefits paid is determined pursuant to Federal Regulations. He is then laid off by the Postal Service. If this individual files a claim for benefits, no employer shall be liable for any benefit charges for any benefit payments made to this individual. This is because the U. S. Postal Service is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section. However, if this individual would return to work for Company A and then again become eligible for benefits, Company A would be the chargeable employer with respect to any weeks which occur after this later separation from Company A.

3)

Example: An individual files a claim for benefits effective March 28, 1993, after having last been employed by Company A which began business as of January 1, 1993. As of March 28, 1993, Company A is not an employer under the Act because it has not yet had one or more employees in each of twenty or more weeks nor has it paid at least \$1,500 in wages in a calendar quarter. However, as of September 4, 1993, it has one or more employees in each of twenty or more weeks, and, therefore, its liability is made retroactive to January 1, 1993. In this case, Company A will be the chargeable employer only with respect to any weeks which begin after September 3, 1993, because, while the effective date of its liability is January 1, 1993, it did not meet the criteria for liability under the Act until September 4, 1993.

4)

Example: An individual files a claim for benefits for the week ending January 23, 1993, after having last been employed by Company A which claims that it is not liable under the Act because it has no employees. On September 10, 1993, there is a determination and assessment, covering all of 1992 and the first two quarters of 1993, which becomes final and which holds that Company A is liable for unpaid contributions on the wages of workers whom Company A had not considered employees. This

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determination is not based on events which occurred prior to the week beginning January 17, 1993. Therefore, Company A can be held to be the chargeable employer of this individual for the week ending January 23, 1993.

c)

Notwithstanding any other provision of this Subpart, with respect to a week of benefits claimed, no employer shall be the chargeable employer of an individual who was either discharged for misconduct connected with the work or voluntarily left such employer without good cause or refused to accept an offer of or to apply for suitable work from that employer without good cause. Unless a subsequent employer paid the individual an amount equal to his weekly benefit amount in each of four weeks after the beginning of the week in question, any payments which might result in benefit charges for that week will be pooled and not charged to any employer. However, if the circumstances of the voluntary quit are those described in Section 601(B) (1) or Section 601(B) (2) of the Act, then, any payments which might result in benefit charges will become pooled costs and not be charged to any employer.

1)

Example: The individual quits Company A where he performed services for at least 30 days to accept employment with Company B where he works for two weeks and earns in excess of his weekly benefit amount. He is then laid off and files a claim for benefits for the week ending January 23, 1993. Company A is the individual's last employer prior to the beginning of the week ending on January 23, 1993, and the individual provided services to Company A during at least 30 days during the period from the beginning of the individual's base period to the beginning of the week beginning on January 17, 1993. Pursuant to Section 601(B) (2) of the Act, this individual is not ineligible for benefits. However, no employer will be charged for the benefits paid to the individual for the week ending January 23, 1993. This is because the individual quit his job with Company A without good cause but under the circumstances described in Section 601(B) (2) of the Act.

2)

Example: The individual is held to be ineligible for benefits by the claims adjudicator, Referee, Board of Review or court as a result of his

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discharge for misconduct by Company A, a liable, contributing employer. Thereafter, he returns to work and performs services for Company B, a liable, contributing employer, for three days per week for three weeks and is then laid off. However, he does earn an amount in excess of his weekly benefit amount in each of these weeks. He then performs services for Company C for one week and earns in excess of his weekly benefit amount before being laid off for lack of work and claims benefits for the week ending March 6, 1993. The individual is eligible for benefits because he met the requalification requirements of Section 602 of the Act. No employer will be the chargeable employer of this individual for the week ending March 6, 1993 because he was discharged for misconduct connected with his work and because, after his discharge, there was no single employer which paid him an amount equal to or in excess of his weekly benefit amount in each of four weeks. However, if this individual later returns to work for Company B and performs services for an additional 21 days before being laid off, Company B could be the chargeable employer with respect to any weeks which occur subsequent to this separation.

3)

Example: The individual is discharged from Company A, files a claim for benefits for the week ending January 23, 1993 and is determined to be ineligible under Section 602 of the Act. He then returns to work for Company A and earns in excess of his weekly benefit amount in each of four weeks. He is then laid off by Company A. Thereafter, he performs services for Company B for less than 30 days before being laid off. Company A will be this individual's chargeable employer with respect to any weeks subsequent to this second separation from it because it was the individual's single employer following his discharge for misconduct, is an employer under the Act and paid the individual an amount necessary to requalify for benefits. If this individual had performed services for Company B for 30 days, then it would be this individual's chargeable employer.

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4) Example: Assume the same facts as in subsection (c)(3) except that, after performing services 30 days for Company B, the individual was discharged for misconduct connected with his work. In this case, no employer will be the chargeable employer with respect to this subsequent separation because Company B cannot be the chargeable employer of an individual if it discharged him for misconduct connected with his work.

5)

Example: Assume the same facts as in subsection (c)(3) except that Company B, which employed the individual for 30 days, is not an employer under the Act. In this case, no employer will be charged as a result of any benefits paid to this individual after his second separation (unless a later chargeable employer is found for subsequent weeks). This is because, even though the individual requalified for benefits by earning an amount equal to or in excess of his weekly benefit amount in each of four weeks from Company A, he was subsequently employed for 30 days by Company B, an organization which is not subject to the Act.

6)

Example: An individual is employed by Company A for several months and performs services for Company A for at least 30 days before being laid off for lack of work. The individual does not file a claim for benefits immediately but goes on vacation. When he returns from vacation, Company A offers the individual a suitable job which he refuses without good cause. However, during that same week, he is hired by Company B where he then performs services for less than 30 days but earns in excess of his weekly benefit amount in each of four weeks. When he is laid off by Company B, the individual files a claim for benefits for the week ending January 23, 1993. He is not subject to disqualification for his refusal of work from Company A because he has had sufficient earnings from Company B to purge any possible disqualification. Company A will not be charged for benefit charges which result from payments to this individual because the individual refused the Company's offer of suitable work without good cause. Company B is not the employer which paid the claimant earnings which allowed him to requalify because the individual was never

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disqualified. Company B did not employ this individual for at least 30 days. Therefore, in this case, no employer will be the chargeable employer for the week ending January 23, 1993 and thereafter until such time as there is an employer which meets the requirements of the Act to be chargeable.

- d) If no employer meets the requirements of this Subpart to be the chargeable employer for the second of two consecutive benefit years, then no employer will be the chargeable employer for that second benefit year effective with benefit years beginning on or after September 22, 1992).

Example: The individual files a claim after being employed at several temporary jobs. Company A employed this individual for 30 days during the first quarter of his base period. No subsequent employer employed this individual for 30 days. Company A is the chargeable employer. This individual then files a second benefit year claim. His employment with Company A occurred prior to the base period of the second benefit year claim, and no subsequent employer employed him for at least 30 days. Therefore, no employer will be chargeable for this claim. However, if the second benefit year began after January 1, 1993, while no employer might initially be liable for any benefit charges, should this individual become employed and then later unemployed, a subsequent employer could be liable for any charges which might accrue after that period of unemployment.

- e) Notice that a claim for benefits has been filed will be sent by the Agency to every employing unit for whom the individual provided services, subsequent to the services provided to the chargeable employer.

(Source: Added at 17 Ill. Reg. 614, effective January 4, 1993)

Section 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration

Effective with respect to the payment of benefits for weeks which begin after September 22, 1992, an employer shall not be the chargeable employer, if that employer would otherwise be the chargeable employer but the individual is separated from that

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employer as a result of the individual's detention, incarceration or imprisonment under State, local or federal law. The benefit charges or payments in lieu of contributions with respect to this individual for this period shall be pooled and not chargeable to any employer.

- a) Example: An individual is arrested on his way to work. He calls the employer to inform it that he cannot make bail so he cannot report to work. The employer replaces the individual because it needs to continue its production uninterrupted. The charges are later dismissed against the individual, and he files a new benefit year claim effective November 1, 1992. Because he was discharged for a reason other than misconduct connected with his work, the individual is eligible for benefits. It is determined that the employer would otherwise be the chargeable employer. Any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual shall be pooled and not chargeable to any employer.

- b) Example: The individual informs his employer that he has been sentenced to jail for 30 days for a non-work related offense. He requests a leave of absence for this period, but it is denied because he does not meet the employer's criteria for such a leave. While the claimant is in jail, the employer, Company A, replaces the individual. After he is released from jail, the individual returns to the employer, but no work is available. He then files a new benefit year claim effective January 10, 1993. The individual is eligible for benefits, and is paid for the period from January 17, 1993 through January 30, 1993, when he goes to work for another employer, Company B. Any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for the period from January 17, 1993 through January 30, 1993 shall be pooled and not chargeable to any employer. If this individual is subsequently separated from Company B and if Company B is determined to be the chargeable employer for any subsequent weeks, any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for the subsequent weeks will be charged to Company B. However, if Company A would otherwise be the chargeable employer with respect to this subsequent period, any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for this subsequent period shall be pooled.

c) Example: An individual is arrested on his way to work. He calls the employer to inform it that he cannot make bail so he cannot report to work. The employer replaces the individual because it needs to continue its production uninterrupted. The charges are later dismissed against the individual, and he files a new benefit year claim effective March 1, 1992. Because he was discharged for a reason other than misconduct connected with his work, the individual is eligible for benefits. It is determined that the employer is the chargeable employer. However, any benefit charges or payments in lieu of contributions as a result of or after September 22, 1992 shall be pooled and not chargeable to any employer. This employer remains the chargeable employer for weeks beginning prior to September 22, 1992.

(Source: Added at 17 Ill. Reg. 614, effective January 4, 1993)

Section 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act

Whenever the individual's last employer is an educational institution or is an educational service agency, then such educational institution or educational service agency shall not be liable for benefit charges on the basis of benefits paid to that individual during the period between two consecutive academic years or terms if such individual has a reasonable assurance that he will perform service in any capacity for any educational institution or educational service agency in the second of such academic years or terms. In such instances, it is not necessary that the individual be ineligible under Section 612 of the Act if Section 612 would have applied if the individual had had wages from an educational institution or educational service agency during his base period. This Section shall also apply to payments in lieu of contributions.

a) Example: An individual is employed as a teacher for a public school. However, during his base period, he earned sufficient wages from a non-educational employer to qualify for benefits. If this individual is held to be ineligible during a period between academic terms on the basis of his wages from the public school, he could still qualify for benefits based on his wages from the non-educational employer. Even if the public school

d) Example: Assume the same facts as in (c) above, except that the individual is later laid off for lack of work by the school district for the week ending October 16, 1993. The school district will be the chargeable employer for this week.

e) Example: The individual is employed by Company A for 2 years until his layoff in May, 1993. He is then employed for 20 days by a public school district as a teacher. He is laid off for the summer vacation but has a reasonable assurance of reemployment by the school district when the new academic year or term begins. The individual is not ineligible for benefits under Section 612 of the Act because he was not employed by the school district during his base period. Because Company A is the last employer for whom this individual performed services for at least 30 days, it is the chargeable employer for any weeks paid to this individual during the summer period. Section 1502.1A(3)(a)(ii)(5) of the Act does not apply to this situation because Company A is not the employer that laid the individual off between academic years or terms.

(Source: Amended at 17 Ill. Reg. 614, effective January 4, 1993)

Section 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act

Pursuant to Section 614 of the Act, an individual shall be ineligible, on the basis of wages earned during his base period unless he was either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law. Because this ineligibility could affect some, but not all, of the individual's base period wages, it is possible that the individual could be held ineligible under Section 614 of the Act but still qualify for benefits based on base period wages paid after he was either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law. In determining whether an employer is the individual's chargeable employer under this Subpart, no day on which the individual was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law will be counted in determining whether the individual performed services for the employer for at least 30 days.

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a)

Example: The individual applied for and was granted permanent resident status on July 1, 1988. He worked for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on May 1, 1989. His base period began on January 1, 1988. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1988, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he might still be eligible for benefits based on his earnings during the third and fourth quarters of 1988. Company A will be the individual's chargeable employer under this Subpart because, even not counting the days of employment from January 1, 1988 to June 30, 1988, the individual performed services for Company A for 30 days from the beginning of his base period to the beginning of his claim for unemployment insurance benefits.

b)

Example: The individual applied for and was granted permanent resident status on July 1, 1992. He worked full time for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on April 30, 1993. He filed his new benefit year claim, beginning May 2, 1993. His base period began on January 1, 1992. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1992, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he is eligible for benefits based on his earnings during the third and fourth quarters of 1992, and he is paid benefits from May 2, 1993 through May 29, 1993. Company A will be the individual's chargeable employer under this Subpart because, even not counting the days of employment from January 1, 1988 to June 30, 1992, this individual performed services for Company A for 30 days from the beginning of his base period to the beginning of the week with respect to which he files a claim for unemployment insurance benefits.

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c)

Example: The individual applied for and was granted permanent resident status on July 1, 1992. He worked full time for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on June 30, 1992. He then worked for Company B for the period from July 1, 1992 to the date of his separation on March 15, 1993. He then returned to work for Company A and performed services for this employer for five weeks (25 days). He filed his new benefit year claim, beginning May 2, 1993. His base period began on January 1, 1992. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1992, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he is eligible for benefits based on his earnings during the third and fourth quarters of 1992, and he is paid benefits from May 2, 1993 through May 29, 1993. Company B will be the individual's chargeable employer under this Subpart because this individual performed services for Company B for 30 days from the beginning of his base period to the beginning of the week with respect to which he files a claim for unemployment insurance benefits. Company A cannot be the chargeable employer with respect to these weeks because the individual had not performed services for it for 30 days since the days on which he performed services prior to July 1, 1992 cannot be counted in determining whether the individual performed services for 30 days. However, if this individual would return to work for Company A and perform services for an additional 5 days, Company A would be the chargeable employer for any weeks which begin after the individual performed services for these additional days.

(Source: Amended at 17 Ill. Reg. 614, effective January 4, 1993)

Section 2765.335

Procedural Requirements And Right Of Appeal

a)

Pursuant to Section 701 of the Act, whenever the Claims Adjudicator decides that an employer is the "last employer" of an individual (employer subject to benefit charges or payments in lieu of contributions) as provided in this Subpart, he shall promptly notify

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the employer of this decision. With respect to benefit years beginning on or after January 1, 1993, such decision shall apply to the week beginning with the effective date of the claim and each week thereafter until the claims adjudicator finds that the individual is no longer unemployed.

Example: An individual files a claim with a benefit year beginning date of January 10, 1993, and Company A is notified that it is the "last employer". The employer fails to file a timely request for reconsideration of this decision. The individual is then paid benefits for the period from January 10, 1993 through January 30, 1993. Company A is the chargeable employer for this period. The individual returns to work for Company A and earns over his weekly benefit amount for the week ending February 6, 1993. He is then laid off of work and files an additional claim beginning February 7, 1993. Company A is notified that it is the "last employer" with respect to this claim. Company A can file a timely request for reconsideration of this decision. However, this request will affect only weeks after February 6, 1993.

- b) If the employer disagrees with the decision of the claims adjudicator that he is the "last employer," the employer must file a written request for reconsideration of this decision within 10 days of the date of mailing of the decision.
- c) A request for reconsideration of the decision of the claims adjudicator must comply with the requirements of 56 Ill. Adm. Code 2720.130 and specify the full name and social security number of the individual and the reasons why the employer believes that it is not the chargeable employer under this Subpart.
- d) After reviewing the allegations of the employer and any other relevant facts in the record, the claims adjudicator shall issue a reconsidered decision. If the employer disagrees with the reconsidered decision of the claims adjudicator that he is the chargeable employer, the employer must file a written appeal of this reconsidered decision within 30 days of the date of mailing of the reconsidered decision or that reconsidered decision will become final.

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- e) An Application made pursuant to Section 1508 of the Act and 56 Ill. Adm. Code 2725.100 regarding revision of the "Statement of Benefit Charges," which includes benefit charges which the employer believes are incorrect because it is not the chargeable employer shall be sufficient only if such Application contains a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. These same requirements must be met by an employer which is questioning payments in lieu of contributions on its "Statement of Amount Due for Benefits Paid."
- f) Unless the employer has filed a timely request for reconsideration of the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to this Subpart, such employer shall not be entitled to a revision of its "Statement of Benefit Charges" under 56 Ill. Adm. Code 2725.100 nor shall it be entitled to a revision of the amounts shown on its "Statement of Amount Due for Benefits Paid" for payments in lieu of contributions.

Example: Employer A is notified that it is the chargeable employer with respect to a week paid to an individual in a benefit year beginning on or after January 1, 1993. The employer does not request reconsideration of this decision. Several weeks later, this employer is served with its "Statement of Benefit Charges" for the weeks paid to this individual. At this time, the employer requests a revision of the "Statement" on the grounds that this individual did not perform services for it for 30 days prior to the beginning of the weeks for which it is being charged. This employer shall not be entitled to a revision of these charges because it failed to file a timely request for reconsideration of the initial decision that it was the chargeable employer.

- g) Appeals of decisions under this Section shall be filed with the local office where the original decision was made.

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- h) The conduct of the hearing shall be the same as that provided under Section 2200 of the Act and 56 Ill. Adm. Code 2725.

(Source: Amended at 17 Ill. Reg. 614, effective January 4, 1993)

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- 1) Heading of the Part: Application Process

- 2) Code Citation: 89 Ill. Adm. Code 110

- 3) Section Number: Adopted Action:

110.30

Amendment

- 4) Statutory Authority: Sections 11-4, 11-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-4, 11-6 and 12-13)

- 5) Effective Date of Amendments: December 31, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: December 31, 1992

- 9) Notice of Proposal Published in Illinois Register:

August 28, 1992 (16 Ill. Reg. 13207)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: Several changes have been made in the text the amendments.

Section 110.30(b) and Section 110.30(b)(1) have been revised to read as follows:

110.30(b) Financial assistance for General Assistance shall be authorized effective:

- (1) Thirty days following the date of application.

In Section 110.30(b)(2), the word "if" has been added at the beginning before "General Assistance."

In accordance with the recommendations of the Administrative Code Division, two technical changes have been made. In the Table of Contents: Section 110.34: the phrase "No Grant" and in Section 110.38: "--" have been deleted to bring these Sections into agreement with the text pages currently on file.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

110.30 Amendment March 27, 1992 (16 Ill. Reg. 4704)

- 15) Summary and Purpose of Amendments: Under current policy, assistance begins for an applicant for General Assistance either the date of decision on the application or thirty (30) days from the date of application, whichever date is earlier.

With this rulemaking, General Assistance will begin for all eligible applicants thirty (30) days from the date of application.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Ununna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110
APPLICATION PROCESS

Section

- 110.1 Incorporation By Reference
- 110.10 Application For Assistance
- 110.15 Local Office Action on Application for Public Assistance
- 110.20 Time Limitations On the Disposition On An Application
- 110.30 Approval of An Application and Initial Authorization of Financial Assistance
- 110.32 Approval of An Application and Initial Authorization of Medical Assistance (MAG)
- 110.34 Approval of An Application and Initial Authorization of Medical Assistance - (MANG)
- 110.36 Approval of An Application and Initial Authorization of General Assistance and Aid to the Medically Indigent
- 110.38 General Assistance and Aid to the Medically Indigent Special Approval Provisions
- 110.40 Denial of An Application

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1901, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 110.30 Approval of An Application and Initial Authorization of Financial Assistance

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Aid to Families with Dependent Children--and-Genetal Assistaee) shall be authorized effective from the earlier of:

- 1) The date of decision on the current application; or
- 2) Thirty days after the date of application provided the case is eligible on that date; or

- b) Financial assistance for General Assistance shall be authorized effective:

- 1) Thirty days following the date of application.

- 3)2) In-the-City-of-Chicago,-if-If General Assistance (GA) is approved as a result of termination of Aid to Families With Dependent Children (AFDC) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (AFDC only) for certain non-financial reasons (see 89 Ill. Adm. Code 102.70(f)), assistance shall be authorized with no gap if an application is filed within thirty (30) days of the notice of termination of AFDC or AABD or deletion (AFDC only) (see also 89 Ill. Adm. Code 102.70).

- b) c) If the applicant is determined eligible for financial assistance, the notice (see Section 110.20) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

(Source: Amended at 17 Ill. Reg. 640, effective December 31, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps

- 2) Code Citation: 89 Ill. Adm. Code 121

- 3) Section Numbers: Adopted Action:

| | |
|--------|-------------|
| 121.3 | Amendment |
| 121.41 | Amendment |
| 121.59 | Amendment |
| 121.76 | New Section |

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12.4 through 12-4.6 and 12-3)

- 5) Effective Date of Amendments: December 31, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: December 31, 1992

- 9) Notice of Proposal Published in Illinois Register:

September 4, 1992 (16 Ill. Reg. 13385)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: No changes were made to the text of these amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|---------------------------------------|
| 121.23 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.24 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.25 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.26 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.27 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.28 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.29 | Repeal | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.160 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections Proposed Action Illinois Register Citation

| | | |
|---------|-------------|---------------------------------------|
| 121.162 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.164 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.166 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.170 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.172 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.174 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.176 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.178 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.180 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.182 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.184 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.186 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.188 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |
| 121.190 | New Section | October 16, 1992 (16 Ill. Reg. 15813) |

15) Summary and Purpose of Amendments: This rulemaking expands the definition of categorical eligibility for food stamp households to include recipients of Interim Assistance and General Assistance. As the result of this rulemaking, a categorically eligible household will be defined as one in which all members are authorized to receive benefits under the Aid to Families with Dependent Children Program, the Supplemental Security Income Program, the Interim Assistance Program and/or the General Assistance Program.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section
121.1
121.2
121.3
121.4
121.5
121.6
121.7
121.10

Application for Assistance
Time Limitations on the Disposition of an Application
Approval of an Application and Initial Authorization of Assistance
Denial of an Application
Client Cooperation
Emergency Assistance
Expedited Services
Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.19
121.20
121.21
121.22
121.23
EMERGENCY

Ending a Voluntary Quit Disqualification
Citizenship
Residence
Social Security Numbers
Work Registration/Participation Requirements (Repealed)

121.24
EMERGENCY
121.25
EMERGENCY
121.26
EMERGENCY
121.27
EMERGENCY
121.28
EMERGENCY
121.29
EMERGENCY

Individuals Exempt From Work Registration Requirements (Repealed)
Failure to Comply (Repealed)
Period of Disqualification (Repealed)
Voluntary Job Quit (Repealed)
Good Cause for Voluntary Job Quit (Repealed)
Exemptions from Voluntary Quit Rule (Repealed)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30
121.31
121.32

Unearned Income
Exempt Unearned Income
Education Benefits

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.33 Unearned Income In-Kind
 121.34 Lump Sum Payments and Income Tax Refunds
 121.40 Earned Income
 121.41 Budgeting Earned Income
 121.50 Exempt Earned Income
 121.51 Income from Work/Study/Training Programs
 121.52 Earned Income from Roomer and Boarder
 121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Persons Who May Be Included in the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting
 121.91 Monthly Reporting
 121.92 Retrospective Budgeting
 121.93 Direct Mail Issuance of Food Stamp Coupons

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.94 Replacement of Food Stamp Coupons
 121.95 Restoration of Lost Benefits
 121.96 Uses For Food Coupons
 121.97 Supplemental Payments
 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
 121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Work Experience Component
 121.178 Job Training Component
 121.180 Grant Diversion Component
 121.182 Earnfare Component
 121.184 Sanctions
 EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 121.186 Good Cause for Failure to Cooperate
- EMERGENCY
- 121.188 Supportive Services
- EMERGENCY
- 121.190 Conciliation and Fair Hearings
- EMERGENCY
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective

DEPARTMENT OF PUBLIC AID

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September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14592, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3990, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: APPLICATION PROCEDURES

Section 121.3 Approval of an Application and Initial Authorization of Assistance

- a) Eligibility for program participation shall not be authorized for any period prior to the month in which application is made.
- b) A household's benefits level for the initial month of certification will be based on the day of the month it applies for benefits. A household shall receive benefits prorated from the day of application to the end of the month. As used in this paragraph, the term "initial month" means either the first month for which an allotment is issued to a household or the first month for which an allotment is issued to a household following any period of at least one month during which the household was not certified for participation in the Food Stamp Program.
- c) For categorically eligible households, (i.e. households in which all members are authorized to receive benefits under the Aid to Families with Dependent Children Program, ~~and/or~~ the Supplemental Security Income Program, the Interim Assistance Program ~~and/or~~ the General Assistance Program), a food stamp application which is denied, while the AFDC, ~~and/or~~ SSI, Interim Assistance ~~and/or~~ GA application is

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.3(c) (continued)

pending, is reactivated when the Department becomes aware that AFDC, ~~and/or~~ SSI, Interim Assistance ~~and/or~~ GA benefits are approved. In this instance, the household shall receive Food Stamp benefits prorated from the day AFDC, ~~and/or~~ SSI, Interim Assistance ~~and/or~~ State GA benefits were approved.

(Source: Amended at 17 Ill. Reg. 644, effective December 31, 1992)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.41 Budgeting Earned Income

- a) When determining eligibility and level of benefits, income received during the month in which the household applies shall be budgeted. However, for those categorically eligible households with a reopened food stamp application, income received during the first month of AFDC/SSI/Interim Assistance/GA eligibility shall be budgeted. When recertified, income which the household anticipates receiving during the certification period starting the month following the expiration of the current certification period shall be budgeted.
- b) The Department shall consider income already received by the household and any anticipated income that is reasonably certain to be received. Income received in the fiscal month prior to the fiscal month of application shall be used as an indication only if income is stable. Anticipated income shall be counted only in the month received. Income which is not certain to be received either on amount or date shall not be counted.
- c) Households anticipating variable income over the certification period shall have their income averaged unless the household requests otherwise.
- d) The earned income of special situation households shall be treated as follows:
 - 1) Self Employed
 - A) Self-employment income which represents a household's annual income shall be averaged over a 12 month period even if the income is received within a shorter period of time during the 12 months.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.41(d)(1) (continued)

B) Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover.

2) Resident Farm Laborers

- A) If resident farm laborers are paid for work done only during the work season and such payments are anticipated to be the only source of income during the year, the income shall be averaged over the 12-month period.
- B) If the household receives advance or deferred payments during the non-work season or has income from other sources, the income shall not be averaged but shall reflect the actual receipt of the income.

e) School Contractual Employees

Those households that derive their income in a period of time shorter than one year shall have that income averaged over a 12 month period, provided the income is not received on an hourly or piecework basis.

f) Self-Employed Farmers

A deduction is allowed from other countable household income for the costs of producing income which exceeds the income derived from self-employment as a farmer. An individual is considered a self-employed farmer if annual gross proceeds of \$1,000 or more are anticipated or received from a farming enterprise.

(Source: Amended at 17 Ill. Reg. 644, effective December 31, 1992)

Section 121.59 Asset Disregards

a) Households which are categorically eligible, as defined in Section 121.75, do not have to meet the asset limits in this section.

ab) \$3,000 for all households with one or more members 60 years of age or older.

bc) \$2,000 for all other households (including PA-and-SSI-households).

(Source: Amended at 17 Ill. Reg. 644, effective December 31, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: HOUSEHOLD CONCEPT

Section 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

a) A household in which all members are authorized to receive AFDC, SSI, Interim Assistance and/or GA is categorically or automatically eligible for Food Stamp benefits. Categorically eligible means that each household member meets one of the following conditions:

- 1) receives AFDC, SSI, Interim Assistance or GA; or
- 2) is approved for AFDC, SSI, Interim Assistance or GA even if a check has not been received; or
- 3) has an AFDC or Interim Assistance case in zero - grant status; or
- 4) has an SSI case in recoupment status; or
- 5) has an SSI case in suspension status.

b) Categorical eligibility does not apply to a household in which a member is disqualified for an Intentional Program Violation.

(Source: Added at 17 Ill. Reg. 644, effective December 31, 1992)

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Support Responsibility Of Relatives

2) Code Citation: 89 Ill. Adm. Code 103

3) Section Numbers: Adopted Action:

103.25

New Section

103.35

New Section

4) Statutory Authority: Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 10-1 et seq.)

5) Effective Date of Amendments: December 31, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 31, 1992

9) Notice of Proposal Published in Illinois Register:

September 18, 1992 (16 Ill. Reg. 14178)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: In accordance with the recommendations of the Administrative Code Division, the statutory citations were updated to the current year. No other changes have been made in the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Current rules do not provide policy on the establishment of a support obligation in Non IV-D cases. With this rulemaking, the manner for establishing a support obligation and the issuance of the Administrative Support Order are created.

Current rules do not provide for any method of enforcement of the Administrative Support Order. With this rulemaking, the methods of enforcement of the Administrative Support Order are defined.

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103

SUPPORT RESPONSIBILITY OF RELATIVES

Section

- 103.1 Incorporation By Reference
103.10 Support From Responsible Relatives
103.20 Determination Of Ability To Support
103.25 Establishment of Support Obligations
103.30 Redetermination Of Ability To Support
103.35 Enforcement of Administrative Support Orders
103.40 Failure or Refusal to Provide Information Regarding Ability to Support

- 103.50 Modification or Release From Support Order
103. Table A Standard For Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 6395, effective April 16, 1990; amended at 14 Ill. Reg. 13288, effective August 6, 1990; amended at 14 Ill. Reg. 19348, effective November 30, 1990; amended at 17 Ill. Reg. 655, effective December 31, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 103.25 Establishment of Support Obligations

Except in Title IV-D cases where support obligations shall be established in accordance with 89 Illinois Administrative Code 160.60, the Department shall establish a responsible relative's obligation to support in the following manner:

- a) A notice of obligation to support, a return envelope, and a statement of the responsible relative's rights and responsibilities are sent to the responsible relative via certified mail, return receipt requested.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 103.25(a) (continued)

- 1) If the responsible relative does not respond to the notice within thirty days, the Department will issue a subpoena for records.
- 2) If the responsible relative submits the necessary income records within thirty days, the Department determines the responsible relative's ability to support in accordance with Section 103.20.
- b) If the determination indicates there is no obligation, the case is closed.
- c) If the determination indicates there is an obligation to support, determination is made as to the amount of the obligation.
- d) If a support obligation exists, the Department sends a notice of support due to the responsible relative via registered or certified mail directing payment of the obligation.
- e) If the responsible relative fails to pay within thirty days of issuance of the notice of support due, the Department sends an Administrative Support Order via registered or certified mail. The responsible relative is notified of his or her right to petition for release from or modification of the Administrative Support Order within 30 days of the date of its mailing.

(Source: Added at 17 Ill. Reg. 655, effective December 31, 1992)

Section 103.35 Enforcement of Administrative Support Orders

If the legally responsible relative has failed for ninety (90) days after the effective date of the support order to make regular support payments according to the support order and a balance due is outstanding, the Department may take any or all of the following actions to collect the past due support:

- a) Referral to the Department's legal representative for judicial enforcement of the Administrative Support Order.
- b) Referral to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act. (Ill. Rev. Stat. 1991, ch. 15, par. 210.05).
- c) Referral to a private collection agency for collection.

(Source: Added at 17 Ill. Reg. 655, effective December 31, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers:
104.216
Emergency Action:
Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) and Public Act 87-861, effective July 8, 1992

5) Effective Date of Amendments: January 7, 1993

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: January 7, 1993

8) Reason for Emergency:

These emergency amendments are necessary to permit the Department to expeditiously conduct hearings on provider assessment taxes. Under the Medicaid Revenue Act (Public Act 87-861), the Department of Public Aid has begun collecting provider assessment taxes and hearings will be necessary to collect unpaid assessment taxes. Section 104.216 of the Department's hearing rules must be amended to eliminate the pre-hearing conferences for these hearings. Such conferences are unnecessary and inconsistent with the hearing provisions included in the Medicaid Revenue Act. Section 6-2 of the Medicaid Revenue Act specifically authorizes the Department to utilize emergency rulemaking to implement the provisions of the Act.

9) Complete Description of the Subjects and Issues Involved:

Proposed amendments are being filed to eliminate the requirement for pre-hearing conferences in cases involving Department actions to initiate collections of provider assessment taxes under the Medicaid Revenue Act (Public Act 87-861). Under this Act, the collecting of provider assessment taxes has begun and hearings will be necessary to capture unpaid provider assessment taxes.

Current language in Section 104.216 of agency hearing rules requires the Department to schedule a pre-hearing conference upon receipt of a request for a hearing regarding the Department's intent to recover money. Pre-hearing conferences are inconsistent with the hearing provisions included in the Medicaid Revenue Act, which direct the Department to "...collect the assessments, interest, and penalty assessments imposed under this Article, using procedures employed in its administration....in a

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

manner similar to that...pursuant to the Retailers' Occupation Tax Act ("ROTA"). Elimination of the requirement for pre-hearing conferences will allow the Department to expeditiously conduct hearings regarding provider assessment taxes, and comply with the provisions of Public Act 87-861.

These proposed amendments will not require additional expenditures by the Department.

10) Are there any Proposed Amendments pending to this Part? Yes

| <u>Sections</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|-----------------|------------------------|------------------------------------|
| 104.202 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.204 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.209 | New Section | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.210 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.212 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.221 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.230 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.244 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |
| 104.246 | Amendment | March 27, 1992 (16 Ill. Reg. 4741) |

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Kenneth E. Mitchell, Chief
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

| | |
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| 104.1 | Assistance Appeals |
| 104.10 | Initiation of Appeal Process |
| 104.11 | Pre-Appeal Review |
| 104.12 | Notice of Hearing |
| 104.20 | Conduct of Hearings |
| 104.21 | Representation |
| 104.22 | Appellant Participation in Hearing |
| 104.23 | Evidentiary Requirements |
| 104.30 | Subpoenas |
| 104.35 | Amendment of Appeal |
| 104.40 | Consolidation of Appeals |
| 104.45 | Postponement or Continuation of Hearings |
| 104.50 | Withdrawal of Appeal |
| 104.55 | Closing of Hearing Record |
| 104.60 | Dismissal of Appeal |
| 104.70 | Final Administrative Decision |
| 104.80 | Public Aid Committee |

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

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|---------|---|
| 104.100 | Responsible Relative and Joint Payee Petitions |
| 104.101 | Petition for Hearing |
| 104.102 | Conduct of Administrative Support Hearings |
| 104.103 | Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds |
| 104.104 | Conduct of Hearings to Stay Service of an Administrative Order for Withholding or Notice of Delinquency, or to Modify, Suspend or Terminate an Administrative Order for Withholding |

SUBPART C: MEDICAL VENDOR HEARINGS

Section

| | |
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| 104.200 | Applicability |
| 104.202 | Definitions |
| 104.204 | Notice of Denial of An Application |
| 104.206 | Notice of Intent to Recover Money |

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NOTICE OF EMERGENCY AMENDMENTS

104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

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| 104.210 | Right to Hearing |
| 104.212 | Prior Factual Determinations |
| 104.215 | Notice of Formal Conference |
| 104.216 | Formal Conference on Recovery of Money |
| 104.217 | Purpose of Formal Conference |
| 104.220 | Notice of Hearing |
| 104.221 | Issues at Hearings |
| 104.225 | Legal Counsel |
| 104.226 | Appearance of Attorney or Other Representative |
| 104.230 | Notice, Service and Proof of Service |
| 104.231 | Form of Papers |
| 104.235 | Discovery |
| 104.240 | Conduct of Hearings |
| 104.241 | Amendments |
| 104.242 | Motions |
| 104.243 | Subpoenas |
| 104.244 | Burden of Proof |
| 104.245 | Witness at Hearings |
| 104.246 | Evidence at Hearings |
| 104.247 | Cross-Examination |
| 104.248 | Disqualification of Hearing Officers |
| 104.250 | Official Notice |
| 104.255 | Computer Generated Documents |
| 104.260 | Recommendation of Peer Review Committee |
| 104.270 | Time Limits for Hearings |
| 104.271 | Continuances and Extensions |
| 104.272 | Withholding of Payments During Pendency of Proceedings. |
| 104.273 | Continuation of Payments During Pendency of Proceedings |
| 104.274 | Denial of Payments for Services During Pendency of Proceedings |
| 104.280 | Record of Hearings |
| 104.285 | Failure to Appear or Proceed |
| 104.290 | Recommended Decision |
| 104.295 | Director's Decision |

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS
AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section

| | |
|---------|---|
| 104.300 | Authority |
| 104.302 | Definitions |
| 104.304 | Department Actions Against Nursing Homes Facilities |
| 104.310 | Certification |
| 104.320 | Joint Administrative Hearing |
| 104.330 | Facilities Certified Under Both Medicare and Medicaid |

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NOTICE OF EMERGENCY AMENDMENTS

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SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

SUBPART C: MEDICAL VENDOR HEARINGS

Section

- 104.400 Suspected Intentional Violation of the Program
- 104.410 Advance Notice of Administrative Disqualification Hearing
- 104.420 Postponement of Hearing
- 104.430 Administrative Disqualification Hearing Procedures
- 104.440 Failure to Appear
- 104.450 Participation While Awaiting a Hearing
- 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
- 104.470 Administrative Disqualification Hearing Decision and Notice of Decision
- 104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section

- 104.800 Incorporation By Reference

AUTHORITY: Implementing Sections 11-8 et seq., 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 et seq., 12-4.9, 12-4.25 and 12-13)

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11 pg. 151 effective March 9, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38 effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753 effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 104.216 Formal Conference on Recovery of Money

- a) Upon receipt of a request for hearing submitted due to the Department's intent to recover money pursuant to Department Section 104.206, the Department shall schedule a pre-hearing formal conference. This formal conference shall commence within 30 days of receipt of such a request unless later scheduled with the written consent of all parties.

- b) This Section shall not be applicable to Department actions to initiate collection of Provider Assessment Taxes under the Medicaid Revenue Act (Public Act 87-861).

(Source: Emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Board of Appeals
- 2) Code Citation: 86 Ill. Adm. Code 210
- 3) Section Numbers: Emergency Action:
 Amendment
 Amendment
 New Section
- 4) Statutory Authority: Section 39c-4 of the Civil Administrative Code of Illinois as added by P.A. 87-1246, effective January 1, 1993.
- 5) Effective Date of Amendments: January 1, 1993
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed in Agency's Principal Office: December 31, 1993

8) Reason for Emergency: P.A. 87-1246, signed by the Governor on December 24, 1992 and effective January 1, 1993, amended the Civil Administrative Code of Illinois to add Section 39c-4. This new Section applies to all taxes administered by the Department of Revenue with certain stated exceptions. This new law sets forth limitation periods for assessment of taxes by the Department in various situations. Section 39c-4(d) sets forth provisions concerning voluntary disclosure by taxpayers for failure to file tax returns required by law. This rulemaking sets forth procedures and policies for implementing the voluntary disclosure program.

In order to implement the voluntary disclosure program by January 1, 1993, it is necessary to adopt emergency rules to set forth the policies and procedures of the Department relative to eligibility for voluntary disclosure. Given the 1 week period between the signing of the legislation and the effective date of the legislation, it was not possible to develop and adopt permanent rulemaking. Failure to adopt emergency rules to implement this legislation would constitute a threat to the public interest and welfare. This legislation is designed to promote tax compliance and thus increase tax revenues to the State of Illinois. Collection of taxes from all who are required to pay is of paramount public interest. In addition, maximizing state revenues contributes to the public welfare by increasing the revenues available to the State for use in the discharge of its various functions. The Department would be unable to implement this voluntary disclosure program in the absence of rules.

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NOTICE OF EMERGENCY AMENDMENTS

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Section 210.126 to the rules of the Board of Appeals. Section 210.126 explains the various substantive and procedural requirements of taxpayers who wish to make voluntary disclosure of tax liabilities and as a result become subject to the 4 year limitations period for taxpayers who voluntarily disclose.
 Section 210.126 provides that taxpayers must come forward voluntarily and disclose. A taxpayer must file an application for voluntary disclosure with the Board of Appeals. The taxpayer must file all required returns and pay outstanding liability. A taxpayer will not be eligible if the Department has initiated an audit or investigation of the taxpayer prior to filing of the application for voluntary disclosure. Section 210.126(c)(1) explains the standards used by the Department in determining whether an audit or investigation has been commenced. The rule sets forth standards for the granting of extensions of time to taxpayers for the various filing requirements stated in the rule. Finally, the rule makes it clear that the Department retains the right to audit a taxpayer and verify accurate reporting of information submitted in a voluntary disclosure.
- 10) Are there any proposed amendments to this Part pending: No.
- 11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 11) Information and questions regarding this amendment shall be directed to:
 Keith Staats
 Staff Attorney
 Illinois Department of Revenue
 101 West Jefferson, 5-500
 Springfield, Illinois 62794
 Phone: (217) 785-8256

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 210
BOARD OF APPEALS

| | |
|-----------------|--------------------------------|
| Section 210.101 | Filing of Written Petition |
| EMERGENCY | |
| 210.105 | Hearings |
| 210.110 | Recommendations |
| 210.115 | Offers In Compromise |
| 210.120 | Waiver of Penalty and Interest |
| 210.125 | Denial By Lapse Of Time |
| EMERGENCY | |
| 210.126 | Voluntary Disclosure |
| EMERGENCY | |
| 210.130 | Departmental Controversies |
| 210.135 | Decisions of the Board |

AUTHORITY: Implementing and authorized by Section 39b20, 39c and 39c-4 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 39b20, 39c and 39c-4, as amended by P.A. 87-1246).

SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989; emergency amendments at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days.

Section 210.101 Filing of Written Petition

A review before the Board of Appeals (Board) shall be commenced by the filing of a written petition. Except as provided in Section 210.126 and 210.130, no petition shall be filed prior to the time nor more than 180 days after a notice of deficiency or notice of tax liability has become final. A notice of deficiency or notice of tax liability is final when all administrative hearings and proceedings in court to review such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. The petition shall identify the taxpayer, briefly state the facts of the case, specify the relief requested and the reasons therefor. A memorandum of law may be appended. No other pleading shall be filed.

(Source: Emergency amendment at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days)

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Section 210.125 Denial by Lapse of Time

If no action is taken by the Board and written notice thereof mailed within 60 365 days after the date of filing, the petition is deemed denied.

(Source: Emergency amendment at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days)

Section 210.126 Voluntary Disclosure

a) Statutory authority. Section 39c-4 of the Civil Administrative Code of Illinois, as added by P.A. 87-1246, sets forth limitation periods for the assessment of taxes by the Illinois Department of Revenue (Department). In the case of a failure to file a return required by law that is voluntarily disclosed to the Department, in accordance with this Section, the tax may be assessed no more than 4 years after the original due date of each return required to have been filed (Section 39c-4 of the Civil Administrative Code of Illinois, Ill. Rev. Stat. 1991, ch. 127, par. 39c-4, as added by P.A. 87-1246).

b) Taxpayers must voluntarily come forward and disclose. In order for the statute of limitations to be limited to no more than four years under Illinois law, a taxpayer must voluntarily come forward and disclose its liability to the Board of Appeals. A taxpayer has voluntarily come forward and disclosed its liability to the Board when it has done the following:

- 1) Taxpayer must file an application for voluntary disclosure. Taxpayer must file an application for voluntary disclosure (Application) in a form prescribed by the Board, prior to the date the Department of Revenue has initiated an audit or investigation of the taxpayer. The Application is not accepted by the Board until it has been approved and signed by a Board member. A Board member may not sign the Application until the Department has notified the Board that the Department had not initiated an audit or investigation of taxpayer, as those terms are defined in subsection (c)(1), prior to the filing date of taxpayer's Application with the Board. The filing date of taxpayer's Application with the Board is the date the Application is received by the Board. Once a Board member has signed the Application, the Board will furnish taxpayer with a copy of the executed Application.

- 2) Taxpayer must file returns and pay liability. Once taxpayer has received a copy of the executed Application, taxpayer

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must file Illinois tax returns for the tax being disclosed for the last four years with the Board and pay all tax, penalty and interest (except for those amounts for which taxpayer is petitioning the Board seeking relief) within thirty days from the Board of Appeals member's Signature Date (Signature Date). The Board of Appeals member's Signature Date is the date the Board member signs the Application. Taxpayer's determination of its tax liability, including the methodology used by taxpayer, must be documented and in a manner reviewable by the Department. A taxpayer who maintains that it was not required to file returns and pay tax for the entire four years shall file returns and pay tax for the period that it maintains it was required to do so under Illinois law. In addition, taxpayer will provide in its petition to the Board its reasons why it maintains it does not owe tax for the entire voluntary disclosure period (immediately preceding four years). The Board will determine the number of years (up to the four year maximum) taxpayer is subject to Illinois tax under voluntary disclosure. The Board will notify taxpayer of its decision. Taxpayer will file returns and pay tax for the number of years (up to four years maximum) the Board has determined taxpayer is subject to tax under voluntary disclosure. Taxpayer will file any additional returns and pay any additional liability owed within 60 days from the date of notification to the taxpayer. The date of notification is the date shown on the notification sent to the taxpayer by the Board.

3) Taxpayer may file petition with tax returns. Taxpayers, who in addition to seeking the four year statute of limitations, are requesting additional relief from the Board, must file a petition within 30 days from the Signature Date in the manner prescribed by Section 210.101. Taxpayers shall file their petition with the Board concurrently with their tax returns for the voluntary disclosure period to the address designated by the Board.

c) Disqualification from voluntary disclosure. A taxpayer does not qualify for voluntary disclosure if:

- 1) The Department has initiated an audit or investigation. It is established that the Department had, prior to the date taxpayer filed its Application with the Board, initiated an audit or investigation of the taxpayer.

DEPARTMENT OF REVENUE
NOTICE OF EMERGENCY AMENDMENTS

A) Initiated an audit. The Department has initiated an audit of the taxpayer if, at a minimum:

- i) The Audit Bureau of the Department has contacted the taxpayer by telephone to schedule an appointment to audit taxpayer for the particular Illinois tax type being disclosed, or
- ii) The Audit Bureau of the Department has contacted the taxpayer in writing regarding a possible tax liability or a notice of intent to audit for the particular Illinois tax type being disclosed.

B) Initiated an investigation. The Investigations and Prosecutions Bureau of the Department has initiated an investigation of a taxpayer if, at a minimum, the Department has opened a criminal investigation file on the taxpayer.

C) Partnerships. Once the Department has initiated an audit or investigation of a partnership or a general partner of the partnership, the Department is deemed to have initiated an audit or investigation of the partnership and all partners of that partnership with respect to the liability from such partnership for purposes of qualifying for voluntary disclosure.

2) Taxpayer does not file returns. Taxpayer does not file tax returns within thirty days from the Signature Date.

3) Taxpayer does not pay tax liability. Taxpayer does not pay all tax, penalty and interest (except for those amounts which taxpayer is seeking relief from the Board) within thirty days from the Signature Date.

4) Taxpayer does not comply with Board Order. Taxpayer does not comply with the Board's Order regarding taxpayer's petition seeking relief.

5) Taxpayer does not begin prospective compliance. Taxpayer must begin prospective compliance with Illinois tax law as a part of voluntary disclosure. Taxpayer has begun prospective compliance when taxpayer has made a good faith effort to comply with Illinois tax law. This would include prospectively filing all returns that are due, paying

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the tax liability owed, registering with the Department and begin remitting all taxes collected.

- 6) Taxpayer has not remitted all taxes collected for the Illinois tax type being disclosed as part of voluntary disclosure. Taxpayer must remit all taxes (and interest) previously collected for all periods by taxpayer for the Illinois tax type being disclosed as part of taxpayer's voluntary disclosure with the Department. This includes periods beyond the four-year limitation for which the taxes were collected but not remitted. Failure to remit all taxes (and interest) previously collected for the Illinois tax type being disclosed will disqualify taxpayer from the relief provided under Voluntary Disclosure.

- d) Extensions. Taxpayer may request in writing, before the expiration of the 30-day period, an automatic 60-day extension in order to file its petition, tax returns or make payment. Taxpayer may request in writing, before the expiration of any extension, a further extension in order to file its petition, tax returns or make payment. The Board, in its discretion, may grant an additional extension where taxpayer's facts warrant a further extension of time in order to comply with the Board's filing requirements.

- e) The Department retains the right to audit taxpayer and verify accurate reporting. The Department shall retain the right to audit taxpayer for all open years of the voluntary disclosure period and assess all tax, penalty and interest that is owed by taxpayer. Taxpayer will not qualify for the relief provided under Voluntary Disclosure where the Department finds that taxpayer understated its final tax liability to the Board by 10% or more and taxpayer cannot demonstrate to the Department that a good faith effort was made to accurately report its liability for the voluntary disclosure period.

(Source: Emergency rule added at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

- 1) Heading of the Part for which proposed rulemaking is being corrected:

Pay Plan

- 2) Code Citation: 80 IL. Adm. Code 310

- 3) Illinois Register citation to Notice of Proposed Amendments:

17 Ill. Reg. 191; January 8, 1993

- 4) Section being Corrected: 310.290

- 5) Corrections being made:

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the States of California and New Jersey are being revised as well as other applicable states in the initial proposed filing to maintain the same differential above the appropriate in-state salary grade for that title as of January 1, 1993.

The full text of the corrected proposed amendment begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1993
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
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310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
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310.455 Intermittent Merit Increase
EMERGENCY
310.456 Merit Zone
310.460 Other Pay Increases
310.470 Adjustment
EMERGENCY
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
EMERGENCY
310.540 Annual Merit Increase Guidechart for Fiscal Year 1992 1993
EMERGENCY
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C RC-069 (Firefighters, AFSCME)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
TABLE F RC-019 (Teamsters Local #25)
TABLE G RC-045 (Automotive Mechanics, ISEA)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
TABLE K RC-023 (Registered Nurses, INA)
TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFI)
TABLE M RC-110 (Conservation Police Lodge)
TABLE N RC-010 (Professional Legal Unit, AFSCME)
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q RC-033 (Meat Inspectors, ISEA)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

| | |
|------------|--|
| TABLE R | RC-042 (Residual Maintenance Workers, AFSCME) |
| TABLE S | HR-012 (Fair Employment Practices Employees, SEIU) |
| TABLE T | HR-010 (Teachers of Deaf, IFT) |
| TABLE U | HR-010 (Teachers of Deaf, Extracurricular Paid Activities) |
| TABLE V | CU-500 (Corrections Meet and Confer Employees) |
| TABLE W | RC-062 (Technical Employees, AFSCME) |
| TABLE X | RC-063 (Professional Employees, AFSCME) |
| TABLE Y | RC-063 (Educators, AFSCME) |
| TABLE Z | RC-063 (Physicians, AFSCME) |
| APPENDIX B | Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1993 |
| APPENDIX C | Physician-Administrator-Rates-and Medical Facilities |
| EMERGENCY | Administrator Rates for Fiscal Year 1992-1993 |
| APPENDIX D | Merit Compensation System Salary Schedule for Fiscal Year 1992-1993 |
| EMERGENCY | |
| APPENDIX E | Teaching Salary Schedule (Repealed) |
| APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed) |

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 15, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13359, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. _____, effective _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other, similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

| <u>Title</u> | <u>Range</u> | <u>Effective Fiscal Year 1993</u> |
|---|--|-----------------------------------|
| Foreign Service Economic Development Executive I | 2739 - 4743 | |
| Foreign Service Economic Development Executive II | 3552 - 6238 | |
| Foreign Service Economic Development Representative | 2359 - 3945 | |
| Office Administrator IV {CO--GA--IN--IA--KY--MI--MO--NE--NC--OH-- TN--TX--and--WI} (States Other Than California and New Jersey) (CA, NJ) | 1895 - 2969 2142 - 3357 | |
| Office Assistant (Foreign Service) | 1605---1983 1638 - 2022 | |
| Office Associate {CO--GA--IN--IA--KY--MI--MO--NE--NC--OH-- TN--TX--and--WI} (States Other Than California and New Jersey) (CA, NJ) | 1717---2154 1751 - 2197 1941---2435 1980 - 2483 | |
| Office Coordinator {CO--GA--IN--IA--KY--MI--MO--NE--NC--OH-- TN--TX--and--WI} (States Other Than California and New Jersey) (CA, NJ) | 1783---2246 1818 - 2291 2015---2539 2055 - 2590 | |
| Revenue Audit Supervisor {OH--TX} (States Other Than California and New Jersey) (CA, NJ) | 3117 - 5497 3523 - 6214 | |

Revenue Auditor I
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

2429---3176
2477 - 3240
2746---3591
2801 - 3664

Revenue Auditor II
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

2685---3533
2739 - 3603
3036---3994
3097 - 4073

Revenue Auditor III
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

2991---3971
3051 - 4050
3381---4489
3449 - 4579

Revenue Auditor Trainee
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

2024---2590
2064 - 2642
2288---2928
2334 - 2986

Revenue Assistant Audit Field Manager
OH-IX (States Other Than California
and New Jersey)
(CA, NJ)

3309 - 5881
3741 - 6648

Revenue Field Audit Manager
(NJ)

3993 - 7112

Tax Examiner
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

1783---2246
1818 - 2291
2015---2539
2055 - 2590

Tax Examiner Trainee
CO-GA-IN-IA-KY-MI-MO-NE-NC-OH-
IN-IX-and-WI (States Other Than California
and New Jersey)
(CA, NJ)

1605---1983
1638 - 2022
1815---2241
1851 - 2285

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Payment of Claims from the Underground Storage Tank Fund.
- 2) Code Citation: 35 Ill. Adm. Code 876
- 3) Register Citation to Notice of Proposed Rules: 16 Ill. Reg. 18890; December 11, 1992
- 4) Date, Time and Location of Public Hearing: Tuesday, February 16, 1993, 9:00 a.m. Training Room "D", Illinois EPA Sangamo Premises, 1340 North 9th Street, Springfield, Illinois 62702
- 5) Other Pertinent Information:

Questions and comments concerning the proposed rules may be directed to:

Todd Rettig
 Jeanne Heaton
 Division of Legal Counsel
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217)782-5544

The hearing will be held under the provisions of the Agency's "Procedures for the Informational and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164). All questions about the hearing procedures, requests for copies of the hearing rules, or requests for special needs interpreters should be directed to the Agency Hearing Officer at the address below. Requests for special needs interpreters must be made to the Agency Hearing Officer by February 8, 1993.

John Williams
 Agency Hearing Officer
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 Phone (217)782-5544

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 30, 1992 through January 5, 1993, and have been scheduled for review by the Committee at its January 12, 1993 or February meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u> | <u>Start of First Notice</u> | <u>JCAR Meeting</u> |
|------------------------------|--|---------------------------------|---------------------|
| 2/12/93 | Legislative Space Needs Commission, The Placement of Monuments, Memorials and Statues on the State Capitol Building Grounds (3 Ill Adm Code 800) | 10/16/92 16 Ill Reg 15828 | 1/12/93 |
| 2/12/93 | Legislative Space Needs Commission, Space Utilization in the Capitol Complex (3 Ill Adm Code 850) | 10/16/92 16 Ill Reg 15832 | 1/12/93 |
| 2/17/93 | Illinois Community College Board, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 1050) | 11/20/92 16 Ill Reg 17399 | 2/93 |
| 2/17/93 | Department of Public Aid, Medical Payment (89 Ill Adm Code 140) | 10/2/92 16 Ill Reg 15019 | 2/93 |
| 2/18/93 | Department of Public Aid, General Assistance (89 Ill Adm Code 114) | 9/25/92 16 Ill Reg 14538 | 2/93 |

| ACTION CODES | |
|--|--|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Order by JCAR* |
| C - Notice of Corrections | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR Objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR Objections |
| RQ - Request for Correction | |
| EC - Expedited Corrections | |

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590)
44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season (P-15260/92; A-281)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)
56 Ill. Adm. Code 2732 Employment (P-211)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)

HEALTH FACILITIES PLANNING BOARD

77 Ill. Adm. Code 1235 Health Care Worker Self-Referral (E-432)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

HUMAN RIGHTS, DEPARTMENT OF

56 Ill. Adm. Code 2520 Procedural (P-10)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 805 Financial Futures Contracts (P-42) (E-154)
50 Ill. Adm. Code 802 Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 350 Health & Safety (P-3780/92; O-180)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357)
89 Ill. Adm. Code 110 Application Process (P-13207/92; A-640)
89 Ill. Adm. Code 121 Food Stamps (P-13385/92; A-644)
89 Ill. Adm. Code 148 Hospital Services (P-10868/92; A-131)
89 Ill. Adm. Code 140 Medical Payment (P-62)
89 Ill. Adm. Code 104 Practice in Administrative Hearings (P-540) (E-659)
89 Ill. Adm. Code 103 Support Responsibility of Relatives (P-14178/92; A-655)

PUBLIC COUNSEL, OFFICE OF

4 Ill. Adm. Code 1075 Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)

PUBLIC HEALTH, DEPARTMENT OF

68 Ill. Adm. Code 750 Plumbers Licensing Code (P-15056/92; A-417)

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Comparable Benefits (P-10403/92; A-149)
89 Ill. Adm. Code 730
Ill. Visually Handicapped Institute (P-10397/92; A-425)
89 Ill. Adm. Code 827
Rules of Conduct (P-77)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 210
Board of Appeals (E-665)
86 Ill. Adm. Code 105
Electronic Filing of Ill. Individual Income Tax Returns (P-219) (E-445)
86 Ill. Adm. Code 100
Income Tax (P-222) (E-473)

SECRETARY OF STATE

14 Ill. Adm. Code 170
Revised Uniform Limited Partnership Act (P-13784/92; A-427)

STATE POLICE MERIT BOARD

80 Ill. Adm. Code 150
Procedures of the Department of State Police Merit Board (E-17372/92; RC-181)

STATE TOLL HIGHWAY AUTHORITY, ILLINOIS

92 Ill. Adm. Code 2520
State Toll Highway Rules (P-542)
92 Ill. Adm. Code 2520
State Toll Highway Rules, Repeal of (P-566)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

23 Ill. Adm. Code 2763
Minority Teachers of Ill. (MTI) Scholarship Program (E-175)

TREASURER

74 Ill. Adm. Code 740
Ill. Public Treasurers' Investment Pool for Public Treasurers in the State of Ill. (P-585)
80 Ill. Adm. Code 620
Merit & Fitness (P-91)

PUBLIC HEARINGS

ENVIRONMENTAL PROTECTION AGENCY

Payment of Claims from the Underground Storage Tank Fund;
35 Ill. Adm. Code 876 681

PUBLIC INFORMATION

ENVIRONMENTAL PROTECTION AGENCY

Listing of Derived Water Quality Criteria; 35 Ill. Adm. Code 302 507

The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
P = Proposed Rule
E = Emergency rule
PP = Preemptory rule
M = Modification
W = Withdrawal
RQ = Request for Correction
PF = Prohibited filing
S = Suspension
O = JCAR Objection
R = Refusal to Modify
F = Failure to Remedy Objections
RC = Recommendation
EC = Expedited Correction
CC = Codification Changes

| ILLINOIS REGISTER | | | | | January 15, 1993 | |
|---------------------|----|-------------------------|----------|----|---------------------|--|
| Volume 17, Issue #3 | | SECTIONS AFFECTED INDEX | | | | |
| TITLE 4 | n | (P-14182/92; A-142) | TITLE 44 | am | (P-12808/92; A-600) | |
| 1075.10 | n | (P-14182/92; A-142) | 1.100 | am | (P-12808/92; A-600) | |
| 1075.20 | n | (P-14182/92; A-142) | 1.350 | am | (P-12808/92; A-600) | |
| 1075.30 | n | (P-14182/92; A-142) | 1.515 | n | (P-12808/92; A-600) | |
| 1075.40 | n | (P-14182/92; A-142) | 1.530 | am | (P-12808/92; A-600) | |
| 1075.50 | n | (P-14182/92; A-142) | 1.610 | am | (P-12808/92; A-600) | |
| 1075.60 | n | (P-14182/92; A-142) | 1.620 | am | (P-12808/92; A-600) | |
| 1075.70 | n | (P-14182/92; A-142) | 1.630 | am | (P-12808/92; A-600) | |
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| 65.10 | am | (P-527) | 130.10 | r | (P-1) | |
| 65.100 | am | (P-527) | 130.20 | r | (P-1) | |
| 65.130 | am | (P-527) | 130.30 | r | (P-1) | |
| 65.140 | am | (P-527) | 130.40 | r | (P-1) | |
| 65.150 | am | (P-527) | 130.50 | r | (P-1) | |
| 65.170 | am | (P-527) | 130.60 | r | (P-1) | |
| 65.190 | am | (P-527) | 130.70 | r | (P-1) | |
| 65.200 | am | (P-527) | 130.80 | r | (P-1) | |
| 65.210 | am | (P-527) | 130.90 | r | (P-1) | |
| 65.220 | am | (P-527) | 130.100 | r | (P-1) | |
| 65.230 | am | (P-527) | 130.110 | r | (P-1) | |
| TITLE 14 | | | | | | |
| 170.20 | am | (P-13784/92; A-427) | 370.101 | n | (P-11713/92; A-319) | |
| TITLE 17 | | | | | | |
| 670.10 | am | (P-15265/92; A-286) | 370.102 | n | (P-11713/92; A-319) | |
| 670.60 | am | (P-15265/92; A-286) | 370.103 | n | (P-11713/92; A-319) | |
| 720.10 | am | (P-15260/92; A-281) | 370.104 | n | (P-11713/92; A-319) | |
| 720.40 | am | (P-15260/92; A-281) | 370.105 | n | (P-11713/92; A-319) | |
| TITLE 23 | | | | | | |
| 228.15 | n | (P-9253/92; A-104) | 370.106 | n | (P-11713/92; A-319) | |
| 228.20 | am | (P-9253/92; A-104) | 370.107 | n | (P-11713/92; A-319) | |
| 228.25 | n | (P-9253/92; A-104) | 370.108 | n | (P-11713/92; A-319) | |
| 228.30 | am | (P-9253/92; A-104) | 370.109 | n | (P-11713/92; A-319) | |
| 228.50 | am | (P-9253/92; A-104) | 370.110 | n | (P-11713/92; A-319) | |
| 2763.20 | am | (E-175) | 370.111 | n | (P-11713/92; A-319) | |
| TITLE 38 | | | | | | |
| 180.10 | am | (P-14006/92; A-123) | 370.112 | n | (P-11713/92; A-319) | |
| 180.22 | n | (P-14006/92; A-123) | 370.113 | n | (P-11713/92; A-319) | |
| 180.24 | n | (P-14006/92; A-123) | 370.201 | n | (P-11713/92; A-319) | |
| 180.30 | am | (P-14006/92; A-123) | 370.202 | n | (P-11713/92; A-319) | |
| 180.92 | n | (P-14006/92; A-123) | 370.203 | n | (P-11713/92; A-319) | |
| 180.94 | n | (P-14006/92; A-123) | 370.204 | n | (P-11713/92; A-319) | |
| 180.100 | am | (P-14006/92; A-123) | 370.205 | n | (P-11713/92; A-319) | |
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